

By: Allen of Dallas

H.B. No. 867

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the registration and supervision of sex offenders;  
3 providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. SEX OFFENDER REGISTRATION REQUIREMENTS

6 SECTION 1.01. Chapter 62, Code of Criminal Procedure, is  
7 reenacted and amended to read as follows:

8 CHAPTER 62. SEX OFFENDER REGISTRATION PROGRAM

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Art. 62.001 [~~62.01~~]. DEFINITIONS. In this chapter:

11 (1) "Department" means the Department of Public  
12 Safety.

13 (2) "Local law enforcement authority" means the chief  
14 of police of a municipality or the sheriff of a county in this  
15 state.

16 (3) "Penal institution" means a confinement facility  
17 operated by or under a contract with any division of the Texas  
18 Department of Criminal Justice, a confinement facility operated by  
19 or under contract with the Texas Youth Commission, or a juvenile  
20 secure pre-adjudication or post-adjudication facility operated by  
21 or under a local juvenile probation department, or a county jail.

22 (4) "Released" means discharged, paroled, placed in a  
23 nonsecure community program for juvenile offenders, or placed on  
24 juvenile probation, community supervision, or mandatory

1 supervision.

2 (5) "Reportable conviction or adjudication" means a  
3 conviction or adjudication, including an adjudication of  
4 delinquent conduct or a deferred adjudication, [~~regardless of the~~  
5 ~~pendency of an appeal,~~] that, regardless of the pendency of an  
6 appeal, is a conviction for or an adjudication for or based on:

7 (A) [~~a conviction for~~] a violation of Section  
8 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021  
9 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct),  
10 Penal Code;

11 (B) [~~a conviction for~~] a violation of Section  
12 43.05 (Compelling prostitution), 43.23 (Obscenity) if the offense  
13 is punishable under Subsection (h) of that section, 43.25 (Sexual  
14 performance by a child), or 43.26 (Possession or promotion of child  
15 pornography), Penal Code;

16 (C) [~~a conviction for~~] a violation of Section  
17 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor  
18 [~~defendant~~] committed the offense or engaged in the conduct with  
19 intent to violate or abuse the victim sexually;

20 (D) [~~a conviction for~~] a violation of Section  
21 30.02 (Burglary), Penal Code, if the offense or conduct is  
22 punishable under Subsection (d) of that section and the actor  
23 [~~defendant~~] committed the offense or engaged in the conduct with  
24 intent to commit a felony listed in Paragraph (A) or (C);

25 (E) [~~a conviction for~~] a violation of Section  
26 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04  
27 (Aggravated kidnapping), Penal Code, if, as applicable:

1                    (i) the judgment in the case contains an  
2 affirmative finding under Article 42.015; or

3                    (ii) the order in the hearing or the papers  
4 in the case contain an affirmative finding that the victim or  
5 intended victim was younger than 17 years of age;

6                    (F) a violation of Section 21.12 (Improper  
7 relationship between educator and student) or Section 21.15  
8 (Improper photography or visual recording), Penal Code;

9                    (G) [~~(F)~~] the second [~~conviction for a~~  
10 violation of Section 21.08 (Indecent exposure), Penal Code, but not  
11 if the second violation results in a deferred adjudication;

12                    (H) [~~(G) a conviction for]~~ an attempt,  
13 conspiracy, or solicitation, as defined by Chapter 15, Penal Code,  
14 to commit an offense or engage in conduct listed in Paragraph (A),  
15 (B), (C), (D), [~~or~~] (E), or (F);

16                    (I) [~~(H) an adjudication of delinquent conduct:~~  
17                    [~~(i) based on a violation of one of the~~  
18 offenses listed in Paragraph (A), (B), (C), (D), or (E) or, if the  
19 order in the hearing contains an affirmative finding that the  
20 victim or intended victim was younger than 17 years of age, one of  
21 the offenses listed in Paragraph (E); or

22                    [~~(ii) for which two violations of the~~  
23 offense listed in Paragraph (F) are shown;

24                    [~~(I) a deferred adjudication for an offense~~  
25 listed in:

26                    [~~(i) Paragraph (A), (B), (C), (D), or (E);~~

27 or

1                   ~~[(ii) Paragraph (E) if the papers in the~~  
2 ~~case contain an affirmative finding that the victim or intended~~  
3 ~~victim was younger than 17 years of age;~~

4                   ~~[(J)]~~ a violation of ~~[conviction under]~~ the laws  
5 of another state, federal law, the laws of a foreign country, or the  
6 Uniform Code of Military Justice for or based on the violation of an  
7 offense containing elements that are substantially similar to the  
8 elements of an offense listed under Paragraph (A), (B), (C), (D),  
9 (E), (F), or (H), but not if the violation results in a deferred  
10 adjudication ~~[(G)]~~; or

11                   (J) ~~[(K) an adjudication of delinquent conduct~~  
12 ~~under the laws of another state, federal law, or the laws of a~~  
13 ~~foreign country based on a violation of an offense containing~~  
14 ~~elements that are substantially similar to the elements of an~~  
15 ~~offense listed under Paragraph (A), (B), (C), (D), (E), or (G);~~

16                   ~~[(L)]~~ the second violation of ~~[conviction under]~~  
17 the laws of another state, federal law, the laws of a foreign  
18 country, or the Uniform Code of Military Justice for or based on the  
19 violation of an offense containing elements that are substantially  
20 similar to the elements of the offense of indecent exposure, but not  
21 if the second violation results in a deferred adjudication ~~, or~~

22                   ~~[(M) the second adjudication of delinquent~~  
23 ~~conduct under the laws of another state, federal law, or the laws of~~  
24 ~~a foreign country based on a violation of an offense containing~~  
25 ~~elements that are substantially similar to the elements of the~~  
26 ~~offense of indecent exposure].~~

27                   (6) "Sexually violent offense" means any of the

1 following offenses committed by a person 17 years of age or older:

2 (A) an offense under Section 21.11(a)(1)  
3 (Indecency with a child), 22.011 (Sexual assault), or 22.021  
4 (Aggravated sexual assault), Penal Code;

5 (B) an offense under Section 43.25 (Sexual  
6 performance by a child), Penal Code;

7 (C) an offense under Section 20.04(a)(4)  
8 (Aggravated kidnapping), Penal Code, if the defendant committed the  
9 offense with intent to violate or abuse the victim sexually;

10 (D) an offense under Section 30.02 (Burglary),  
11 Penal Code, if the offense is punishable under Subsection (d) of  
12 that section and the defendant committed the offense with intent to  
13 commit a felony listed in Paragraph (A) or (C) of Subdivision (5);  
14 or

15 (E) an offense under the laws of another state,  
16 federal law, the laws of a foreign country, or the Uniform Code of  
17 Military Justice if the offense contains elements that are  
18 substantially similar to the elements of an offense listed under  
19 Paragraph (A), (B), (C), or (D).

20 (7) "Residence" includes a residence established in  
21 this state by a person described by Article 62.152(e) [~~62.063(e)~~].

22 (8) "Public or private institution of higher  
23 education" includes a college, university, community college, or  
24 technical or trade institute.

25 (9) "Authority for campus security" means the  
26 authority with primary law enforcement jurisdiction over property  
27 under the control of a public or private institution of higher

1 education, other than a local law enforcement authority.

2 (10) "Extrajurisdictional registrant" means a person  
3 who:

4 (A) is required to register as a sex offender  
5 under:

6 (i) the laws of another state with which the  
7 department has entered into a reciprocal registration agreement;

8 (ii) federal law or the Uniform Code of  
9 Military Justice; or

10 (iii) the laws of a foreign country; and

11 (B) is not otherwise required to register under  
12 this chapter because:

13 (i) the person does not have a reportable  
14 conviction for an offense under the laws of the other state, federal  
15 law, the laws of the foreign country, or the Uniform Code of  
16 Military Justice containing elements that are substantially  
17 similar to the elements of an offense requiring registration under  
18 this chapter; or

19 (ii) the person does not have a reportable  
20 adjudication of delinquent conduct based on a violation of an  
21 offense under the laws of the other state, federal law, or the laws  
22 of the foreign country containing elements that are substantially  
23 similar to the elements of an offense requiring registration under  
24 this chapter.

25 Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter  
26 applies only to a reportable conviction or adjudication occurring  
27 on or after September 1, 1970.

1        (b) Except as provided by Subsection (c), the duties imposed  
2 on a person required to register under this chapter on the basis of  
3 a reportable conviction or adjudication, and the corresponding  
4 duties and powers of other entities in relation to the person  
5 required to register on the basis of that conviction or  
6 adjudication, are not affected by:

7            (1) an appeal of the conviction or adjudication; or

8            (2) a pardon of the conviction or adjudication.

9        (c) If a conviction or adjudication that is the basis of a  
10 duty to register under this chapter is set aside on appeal by a  
11 court or if the person required to register under this chapter on  
12 the basis of a conviction or adjudication receives a pardon on the  
13 basis of subsequent proof of innocence, the duties imposed on the  
14 person by this chapter and the corresponding duties and powers of  
15 other entities in relation to the person are terminated.

16            Art. 62.003 [~~62.0101~~].            DETERMINATION            REGARDING  
17 SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of  
18 this chapter, the [The] department is responsible for determining  
19 [for the purposes of this chapter] whether an offense under the laws  
20 of another state, federal law, the laws of a foreign country, or the  
21 Uniform Code of Military Justice contains elements that are  
22 substantially similar to the elements of an offense under the laws  
23 of this state.

24        (b) The department annually shall provide or make available  
25 to each prosecuting attorney's office in this state:

26            (1) the criteria used in making a determination under  
27 Subsection (a); and

1           (2) any existing record or compilation of offenses  
2 under the laws of another state, federal law, the laws of a foreign  
3 country, and the Uniform Code of Military Justice that the  
4 department has already determined to contain elements that are  
5 substantially similar to the elements of offenses under the laws of  
6 this state.

7           (c) An appeal of a determination made under this article  
8 shall be brought in a district court in Travis County.

9           Art. 62.004 [~~62.0102~~]. DETERMINATION REGARDING PRIMARY  
10 REGISTRATION AUTHORITY. (a) For each person subject to  
11 registration under this chapter, the department shall determine  
12 which local law enforcement authority serves as the person's  
13 primary registration authority based on the municipality or county  
14 in which the person resides or, as provided by Article 62.152  
15 [~~62.061, as added by Chapters 1193 and 1415, Acts of the 76th~~  
16 ~~Legislature, Regular Session, 1999~~], the municipality or county in  
17 which the person works or attends school.

18           (b) The department shall notify each person subject to  
19 registration under this chapter of the person's primary  
20 registration authority in a timely manner.

21           Art. 62.005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)  
22 The department shall maintain a computerized central database  
23 containing the information required for registration under this  
24 chapter. The department may include in the computerized central  
25 database the numeric risk level assigned to a person under this  
26 chapter.

27           (b) The information contained in the database, including

1 the numeric risk level assigned to a person under this chapter, is  
2 public information, with the exception of any information:

3 (1) regarding the person's social security number,  
4 driver's license number, or telephone number;

5 (2) that is required by the department under Article  
6 62.051(c)(7); or

7 (3) that would identify the victim of the offense for  
8 which the person is subject to registration.

9 (c) Notwithstanding Chapter 730, Transportation Code, the  
10 department shall maintain in the database, and shall post on any  
11 department website related to the database, any photograph of the  
12 person that is available through the process for obtaining or  
13 renewing a personal identification certificate or driver's license  
14 under Section 521.103 or 521.272, Transportation Code. The  
15 department shall update the photograph in the database and on the  
16 website annually or as the photograph otherwise becomes available  
17 through the renewal process for the certificate or license.

18 (d) A local law enforcement authority shall release public  
19 information described under Subsection (b) to any person who  
20 requests the information from the authority. The authority may  
21 charge the person a fee not to exceed the amount reasonably  
22 necessary to cover the administrative costs associated with the  
23 authority's release of information to the person under this  
24 subsection.

25 (e) The department shall provide a licensing authority with  
26 notice of any person required to register under this chapter who  
27 holds or seeks a license that is issued by the authority. The

1 department shall provide the notice required by this subsection as  
2 the applicable licensing information becomes available through the  
3 person's registration or verification of registration.

4 (f) On the written request of a licensing authority that  
5 identifies an individual and states that the individual is an  
6 applicant for or a holder of a license issued by the authority, the  
7 department shall release any information described by Subsection  
8 (a) to the licensing authority.

9 (g) For the purposes of Subsections (e) and (f):

10 (1) "License" means a license, certificate,  
11 registration, permit, or other authorization that:

12 (A) is issued by a licensing authority; and

13 (B) a person must obtain to practice or engage in  
14 a particular business, occupation, or profession.

15 (2) "Licensing authority" means a department,  
16 commission, board, office, or other agency of the state or a  
17 political subdivision of the state that issues a license.

18 (h) Not later than the third day after the date on which the  
19 applicable information becomes available through the person's  
20 registration or verification of registration or under Article  
21 62.058, the department shall send notice of any person required to  
22 register under this chapter who is or will be employed, carrying on  
23 a vocation, or a student at a public or private institution of  
24 higher education in this state to:

25 (1) for an institution in this state:

26 (A) the authority for campus security for that  
27 institution; or

1           (B) if an authority for campus security for that  
2 institution does not exist, the local law enforcement authority of:

3                   (i) the municipality in which the  
4 institution is located; or

5                   (ii) the county in which the institution is  
6 located, if the institution is not located in a municipality; or

7           (2) for an institution in another state, any existing  
8 authority for campus security at that institution.

9           (i) On the written request of an institution of higher  
10 education described by Subsection (h) that identifies an individual  
11 and states that the individual has applied to work or study at the  
12 institution, the department shall release any information  
13 described by Subsection (a) to the institution.

14           Art. 62.006. INFORMATION PROVIDED TO PEACE OFFICER ON  
15 REQUEST. The department shall establish a procedure by which a  
16 peace officer or employee of a law enforcement agency who provides  
17 the department with a driver's license number, personal  
18 identification certificate number, or license plate number is  
19 automatically provided information as to whether the person to whom  
20 the driver's license or personal identification certificate is  
21 issued is required to register under this chapter or whether the  
22 license plate number is entered in the computerized central  
23 database under Article 62.005 as assigned to a vehicle owned or  
24 driven by a person required to register under this chapter.

25           Art. 62.007. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER  
26 SCREENING TOOL. (a) The Texas Department of Criminal Justice shall  
27 establish a risk assessment review committee composed of at least

1 seven members, each of whom serves on the review committee in  
2 addition to the member's other employment-related duties. The  
3 review committee, to the extent feasible, must include at least:

4 (1) one member having experience in law enforcement;

5 (2) one member having experience working with juvenile  
6 sex offenders;

7 (3) one member having experience as a sex offender  
8 treatment provider;

9 (4) one member having experience working with victims  
10 of sex offenses;

11 (5) the executive director of the Council on Sex  
12 Offender Treatment; and

13 (6) one sex offender treatment provider registered  
14 under Chapter 110, Occupations Code, and selected by the executive  
15 director of the Council on Sex Offender Treatment to serve on the  
16 review committee.

17 (b) The risk assessment review committee functions in an  
18 oversight capacity. The committee shall:

19 (1) develop or select, from among existing tools or  
20 from any tool recommended by the Council on Sex Offender Treatment,  
21 a sex offender screening tool to be used in determining the level of  
22 risk of a person subject to registration under this chapter;

23 (2) ensure that staff is trained on the use of the  
24 screening tool;

25 (3) monitor the use of the screening tool in the state;  
26 and

27 (4) analyze other screening tools as they become

1 available and revise or replace the existing screening tool if  
2 warranted.

3 (c) The sex offender screening tool must use an objective  
4 point system under which a person is assigned a designated number of  
5 points for each of various factors. In developing or selecting the  
6 sex offender screening tool, the risk assessment review committee  
7 shall use or shall select a screening tool that may be adapted to  
8 use the following general guidelines:

9 (1) level one (low): a designated range of points on  
10 the sex offender screening tool indicating that the person poses a  
11 low danger to the community and will not likely engage in criminal  
12 sexual conduct;

13 (2) level two (moderate): a designated range of  
14 points on the sex offender screening tool indicating that the  
15 person poses a moderate danger to the community and might continue  
16 to engage in criminal sexual conduct; and

17 (3) level three (high): a designated range of points  
18 on the sex offender screening tool indicating that the person poses  
19 a serious danger to the community and will continue to engage in  
20 criminal sexual conduct.

21 (d) The risk assessment review committee, the Texas  
22 Department of Criminal Justice, the Texas Youth Commission, or a  
23 court may override a risk level only if the entity:

24 (1) believes that the risk level assessed is not an  
25 accurate prediction of the risk the offender poses to the  
26 community; and

27 (2) documents the reason for the override in the

1 offender's case file.

2 (e) Notwithstanding Chapter 58, Family Code, records and  
3 files, including records that have been sealed under Section 58.003  
4 of that code, relating to a person for whom a court, the Texas  
5 Department of Criminal Justice, or the Texas Youth Commission is  
6 required under this article to determine a level of risk shall be  
7 released to the court, department, or commission, as appropriate,  
8 for the purpose of determining the person's risk level.

9 (f) Chapter 551, Government Code, does not apply to a  
10 meeting of the risk assessment review committee.

11 (g) The numeric risk level assigned to a person using the  
12 sex offender screening tool described by this article is not  
13 confidential and is subject to disclosure under Chapter 552,  
14 Government Code.

15 Art. 62.008. GENERAL IMMUNITY. The following persons are  
16 immune from liability for good faith conduct under this chapter:

17 (1) an employee or officer of the Texas Department of  
18 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
19 Probation Commission, the Department of Public Safety, the Board of  
20 Pardons and Paroles, or a local law enforcement authority;

21 (2) an employee or officer of a community supervision  
22 and corrections department or a juvenile probation department;

23 (3) a member of the judiciary; and

24 (4) a member of the risk assessment review committee  
25 established under Article 62.007.

26 Art. 62.009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

27 (a) The department, a penal institution, a local law enforcement

1 authority, or an authority for campus security may release to the  
2 public information regarding a person required to register under  
3 this chapter only if the information is public information under  
4 this chapter.

5 (b) An individual, agency, entity, or authority is not  
6 liable under Chapter 101, Civil Practice and Remedies Code, or any  
7 other law for damages arising from conduct authorized by Subsection  
8 (a).

9 (c) For purposes of determining liability, the release or  
10 withholding of information by an appointed or elected officer of an  
11 agency, entity, or authority is a discretionary act.

12 (d) A private primary or secondary school, public or private  
13 institution of higher education, or administrator of a private  
14 primary or secondary school or public or private institution of  
15 higher education may release to the public information regarding a  
16 person required to register under this chapter only if the  
17 information is public information under this chapter and is  
18 released to the administrator under Article 62.005, 62.053, 62.054,  
19 62.055, or 62.153. A private primary or secondary school, public or  
20 private institution of higher education, or administrator of a  
21 private primary or secondary school or public or private  
22 institution of higher education is not liable under any law for  
23 damages arising from conduct authorized by this subsection.

24 Art. 62.010. RULEMAKING AUTHORITY. The Texas Department of  
25 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
26 Probation Commission, and the department may adopt any rule  
27 necessary to implement this chapter.

1                   SUBCHAPTER B. REGISTRATION AND VERIFICATION

2                                   REQUIREMENTS; RELATED NOTICE

3           ~~[Art. 62.0105. EXEMPTION FROM REGISTRATION FOR CERTAIN SEX~~  
4 ~~OFFENDERS. (a) If eligible under Subsection (b) or (c), a person~~  
5 ~~required to register under this chapter may petition the court~~  
6 ~~having jurisdiction over the case for an order exempting the person~~  
7 ~~from registration under this chapter at any time after the person's~~  
8 ~~sentencing or after the person is placed on deferred adjudication~~  
9 ~~community supervision.~~

10           ~~[(b) A person is eligible to petition the court as described~~  
11 ~~by Subsection (a) if:~~

12                   ~~[(1) the person is required to register only as a~~  
13 ~~result of a single reportable conviction or adjudication, other~~  
14 ~~than an adjudication of delinquent conduct; and~~

15                   ~~[(2) the court has entered in the appropriate judgment~~  
16 ~~or has filed with the appropriate papers a statement of an~~  
17 ~~affirmative finding described by Article 42.017 or Section 5(g),~~  
18 ~~Article 42.12.~~

19           ~~[(c) A defendant who before September 1, 2001, is convicted~~  
20 ~~of or placed on deferred adjudication community supervision for an~~  
21 ~~offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,~~  
22 ~~is eligible to petition the court as described by Subsection (a).~~  
23 ~~The court may consider the petition only if the petition states and~~  
24 ~~the court finds that the defendant would have been entitled to the~~  
25 ~~entry of an affirmative finding under Article 42.017 or Section~~  
26 ~~5(g), Article 42.12, as appropriate, had the conviction or~~  
27 ~~placement on deferred adjudication community supervision occurred~~

1 ~~after September 1, 2001.~~

2 ~~[(d) After a hearing on the petition described by Subsection~~  
3 ~~(a), the court may issue an order exempting the person from~~  
4 ~~registration under this chapter if it appears by a preponderance of~~  
5 ~~the evidence.~~

6 ~~[(1) as presented by a registered sex offender~~  
7 ~~treatment provider, that the exemption does not threaten public~~  
8 ~~safety; and~~

9 ~~[(2) that the person's conduct did not occur without~~  
10 ~~the consent of the victim or intended victim as described by Section~~  
11 ~~22.011(b), Penal Code.~~

12 ~~[(c) An order exempting the person from registration under~~  
13 ~~this chapter does not expire, but the court shall withdraw the order~~  
14 ~~if after the order is issued the person receives a reportable~~  
15 ~~conviction or adjudication under this chapter.~~

16 ~~[Art. 62.011. WORKERS OR STUDENTS. (a) A person is~~  
17 ~~employed or carries on a vocation for purposes of this chapter if~~  
18 ~~the person works or volunteers on a full-time or part-time basis for~~  
19 ~~a consecutive period exceeding 14 days or for an aggregate period~~  
20 ~~exceeding 30 days in a calendar year. A person works for purposes~~  
21 ~~of this subsection regardless of whether the person works for~~  
22 ~~compensation or for governmental or educational benefit.~~

23 ~~[(b) A person is a student for purposes of this chapter if~~  
24 ~~the person enrolls on a full-time or part-time basis in any~~  
25 ~~educational facility, including:~~

26 ~~[(1) a public or private primary or secondary school,~~  
27 ~~including a high school or alternative learning center; or~~

1           ~~[(2) a public or private institution of higher~~  
2 ~~education.]~~

3           Art. 62.051 [~~62.02~~]. REGISTRATION: GENERAL. (a) A person  
4 who has a reportable conviction or adjudication or who is required  
5 to register as a condition of parole, release to mandatory  
6 supervision, or community supervision shall register or, if the  
7 person is a person for whom registration is completed under this  
8 chapter, verify registration as provided by Subsection (f) [~~(d)~~],  
9 with the local law enforcement authority in any municipality where  
10 the person resides or intends to reside for more than seven days.  
11 If the person does not reside or intend to reside in a municipality,  
12 the person shall register or verify registration in any county  
13 where the person resides or intends to reside for more than seven  
14 days. The person shall satisfy the requirements of this subsection  
15 not later than the later of:

16           (1) the seventh day after the person's arrival in the  
17 municipality or county; or

18           (2) the first date the local law enforcement authority  
19 of the municipality or county by policy allows the person to  
20 register or verify registration, as applicable.

21           (b) The department shall provide the Texas Department of  
22 Criminal Justice, the Texas Youth Commission, the Texas Juvenile  
23 Probation Commission, and each local law enforcement authority,  
24 authority for campus security, county jail, and court with a form  
25 for registering persons required by this chapter to register.

26           (c) The registration form shall require:

27           (1) the person's full name, each alias, date of birth,

1 sex, race, height, weight, eye color, hair color, social security  
2 number, driver's license number, shoe size, and home address;

3 (2) a recent color photograph or, if possible, an  
4 electronic digital image of the person and a complete set of the  
5 person's fingerprints;

6 (3) the type of offense the person was convicted of,  
7 the age of the victim, the date of conviction, and the punishment  
8 received;

9 (4) an indication as to whether the person is  
10 discharged, paroled, or released on juvenile probation, community  
11 supervision, or mandatory supervision;

12 (5) an indication of each license, as defined by  
13 Article 62.005(g) [~~62.08(g)~~], that is held or sought by the person;

14 (6) an indication as to whether the person is or will  
15 be employed, carrying on a vocation, or a student at a particular  
16 public or private institution of higher education in this state or  
17 another state, and the name and address of that institution; and

18 (7) any other information required by the department.

19 (d) The registration form must contain a statement and  
20 description of any registration duties the person has or may have  
21 under this chapter.

22 (e) [~~(e)~~] Not later than the third day after a person's  
23 registering, the local law enforcement authority with whom the  
24 person registered shall send a copy of the registration form to the  
25 department and, if the person resides on the campus of a public or  
26 private institution of higher education, to any authority for  
27 campus security for that institution.

1           (f) [~~(d)~~] A person for whom registration is completed under  
2 this chapter shall report to the applicable local law enforcement  
3 authority to verify the information in the registration form  
4 received by the authority under this chapter. The authority shall  
5 require the person to produce proof of the person's identity and  
6 residence before the authority gives the registration form to the  
7 person for verification. If the information in the registration  
8 form is complete and accurate, the person shall verify registration  
9 by signing the form. If the information is not complete or not  
10 accurate, the person shall make any necessary additions or  
11 corrections before signing the form.

12           (g) [~~(e)~~] A person who is required to register or verify  
13 registration under this chapter shall ensure that the person's  
14 registration form is complete and accurate with respect to each  
15 item of information required by the form in accordance with  
16 Subsection (c) [~~(b)~~].

17           (h) [~~(f)~~] If a person subject to registration under this  
18 chapter does not move to an intended residence by the end of the  
19 seventh day after the date on which the person is released or the  
20 date on which the person leaves a previous residence, the person  
21 shall:

22                   (1) report to the juvenile probation officer,  
23 community supervision and corrections department officer, or  
24 parole officer supervising the person by not later than the seventh  
25 day after the date on which the person is released or the date on  
26 which the person leaves a previous residence, as applicable, and  
27 provide the officer with the address of the person's temporary

1 residence; and

2 (2) continue to report to the person's supervising  
3 officer not less than weekly during any period of time in which the  
4 person has not moved to an intended residence and provide the  
5 officer with the address of the person's temporary residence.

6 (i) ~~(g)~~ If the other state has a registration requirement  
7 for sex offenders, a person who has a reportable conviction or  
8 adjudication, who resides in this state, and who is employed,  
9 carries on a vocation, or is a student in another state shall, not  
10 later than the 10th day after the date on which the person begins to  
11 work or attend school in the other state, register with the law  
12 enforcement authority that is identified by the department as the  
13 authority designated by that state to receive registration  
14 information. If the person is employed, carries on a vocation, or  
15 is a student at a public or private institution of higher education  
16 in the other state and if an authority for campus security exists at  
17 the institution, the person shall also register with that authority  
18 not later than the 10th day after the date on which the person  
19 begins to work or attend school.

20 Art. 62.052 ~~[62.021]~~. REGISTRATION: EXTRAJURISDICTIONAL  
21 ~~[OUT-OF-STATE]~~ REGISTRANTS. (a) An extrajurisdictional

22 registrant ~~[This article applies to a person who:~~

23 ~~(1) is required to register as a sex offender under:~~

24 ~~[(A) the laws of another state with which the~~  
25 ~~department has entered into a reciprocal registration agreement,~~

26 ~~[(B) federal law or the Uniform Code of Military~~

27 ~~Justice, or~~

1                   ~~[(C) the laws of a foreign country, and~~

2                   ~~[(2) is not otherwise required to register under this~~  
3 ~~chapter because.~~

4                   ~~[(A) the person does not have a reportable~~  
5 ~~conviction for an offense under the laws of the other state, federal~~  
6 ~~law, the laws of the foreign country, or the Uniform Code of~~  
7 ~~Military Justice containing elements that are substantially~~  
8 ~~similar to an offense requiring registration under this chapter; or~~

9                   ~~[(B) the person does not have a reportable~~  
10 ~~adjudication of delinquent conduct based on a violation of an~~  
11 ~~offense under the laws of the other state, federal law, or the laws~~  
12 ~~of the foreign country containing elements that are substantially~~  
13 ~~similar to an offense requiring registration under this chapter.~~

14                   ~~[(b) A person described by Subsection (a)]~~ is required to  
15 comply with the annual verification requirements of Article 62.058  
16 [~~62.06~~] in the same manner as a person who is required to verify  
17 registration on the basis of a reportable conviction or  
18 adjudication.

19                   (b) ~~[(c)]~~ The duty to register for an extrajurisdictional  
20 registrant [~~a person described by Subsection (a)]~~ expires on the  
21 date the person's duty to register would expire under the laws of  
22 the other state or foreign country had the person remained in that  
23 state or foreign country, under federal law, or under the Uniform  
24 Code of Military Justice, as applicable.

25                   (c) ~~[(d)]~~ The department may negotiate and enter into a  
26 reciprocal registration agreement with any other state to prevent  
27 residents of this state and residents of the other state from

1 frustrating the public purpose of the registration of sex offenders  
2 by moving from one state to the other.

3 Art. 62.053 [~~62.03~~]. PRERELEASE NOTIFICATION. (a) Before  
4 a person who will be subject to registration under this chapter is  
5 due to be released from a penal institution, the Texas Department of  
6 Criminal Justice or the Texas Youth Commission shall determine the  
7 person's level of risk to the community using the sex offender  
8 screening tool developed or selected under Article 62.007 [~~62.035~~]  
9 and assign to the person a numeric risk level of one, two, or three.  
10 Before releasing the person, an official of the penal institution  
11 shall:

12 (1) inform the person that:

13 (A) not later than the later of the seventh day  
14 after the date on which the person is released or after the date on  
15 which the person moves from a previous residence to a new residence  
16 in this state or not later than the later of the first date the  
17 applicable local law enforcement authority by policy allows the  
18 person to register or verify registration, the person must [+

19 [~~i~~] register or verify registration with  
20 the local law enforcement authority in the municipality or county  
21 in which the person intends to reside;

22 (B) not later than the seventh day after the date  
23 on which the person is released or the date on which the person  
24 moves from a previous residence to a new residence in this state,  
25 the person must, [~~or~~

26 [~~ii~~] if the person has not moved to an  
27 intended residence, report to the juvenile probation officer,

1 community supervision and corrections department officer, or  
2 parole officer supervising the person;

3 (C) [~~(B)~~] not later than the seventh day before  
4 the date on which the person moves to a new residence in this state  
5 or another state, the person must report in person to the local law  
6 enforcement authority designated as the person's primary  
7 registration authority by the department and to the juvenile  
8 probation officer, community supervision and corrections  
9 department officer, or parole officer supervising the person;

10 (D) [~~(C)~~] not later than the 10th day after the  
11 date on which the person arrives in another state in which the  
12 person intends to reside, the person must register with the law  
13 enforcement agency that is identified by the department as the  
14 agency designated by that state to receive registration  
15 information, if the other state has a registration requirement for  
16 sex offenders;

17 (E) [~~(D)~~] not later than the 30th day after the  
18 date on which the person is released, the person must apply to the  
19 department in person for the issuance of an original or renewal  
20 driver's license or personal identification certificate and a  
21 failure to apply to the department as required by this paragraph  
22 results in the automatic revocation of any driver's license or  
23 personal identification certificate issued by the department to the  
24 person; and

25 (F) [~~(E)~~] the person must notify appropriate  
26 entities of any change in status as described by Article 62.057  
27 [~~62.05~~];

1           (2) require the person to sign a written statement  
2 that the person was informed of the person's duties as described by  
3 Subdivision (1) or Subsection (g) [~~(h)~~] or, if the person refuses to  
4 sign the statement, certify that the person was so informed;

5           (3) obtain the address where the person expects to  
6 reside on the person's release and other registration information,  
7 including a photograph and complete set of fingerprints; and

8           (4) complete the registration form for the person.

9           (b) On the seventh day before the date on which a person who  
10 will be subject to registration under this chapter is due to be  
11 released from a penal institution, or on receipt of notice by a  
12 penal institution that a person who will be subject to registration  
13 under this chapter is due to be released in less than seven days, an  
14 official of the penal institution shall send the person's completed  
15 registration form and numeric risk level to the department and to:

16           (1) the applicable local law enforcement authority in  
17 the municipality or county in which the person expects to reside, if  
18 the person expects to reside in this state; or

19           (2) the law enforcement agency that is identified by  
20 the department as the agency designated by another state to receive  
21 registration information, if the person expects to reside in that  
22 other state and that other state has a registration requirement for  
23 sex offenders.

24           (c) If a person who is subject to registration under this  
25 chapter receives an order deferring adjudication, placing the  
26 person on community supervision or juvenile probation [~~or community~~  
27 ~~supervision~~], or imposing only a fine, the court pronouncing the

1 order or sentence shall make a determination of the person's  
2 numeric risk level using the sex offender screening tool developed  
3 or selected under Article 62.007 [~~62.035~~], assign to the person a  
4 numeric risk level of one, two, or three, and ensure that the  
5 prerelease notification and registration requirements specified in  
6 this article are conducted on the day of entering the order or  
7 sentencing. If a community supervision and corrections department  
8 representative is available in court at the time a court pronounces  
9 a sentence of deferred adjudication or community supervision, the  
10 representative shall immediately obtain the person's numeric risk  
11 level from the court and conduct the prerelease notification and  
12 registration requirements specified in this article. In any other  
13 case in which the court pronounces a sentence under this  
14 subsection, the court shall designate another appropriate  
15 individual to obtain the person's numeric risk level from the court  
16 and conduct the prerelease notification and registration  
17 requirements specified in this article.

18 (d) If a person who has a reportable conviction described by  
19 Article 62.001(5)(I) [~~62.01(5)(J)~~] or (J) [~~(L)~~] is placed under the  
20 supervision of the pardons and paroles division of the Texas  
21 Department of Criminal Justice or a community supervision and  
22 corrections department under Article 42.11, the division or  
23 community supervision and corrections department shall conduct the  
24 prerelease notification and registration requirements specified in  
25 this article on the date the person is placed under the supervision  
26 of the division or community supervision and corrections  
27 department. If a person who has a reportable adjudication of

1 delinquent conduct described by Article 62.001(5)(I) [~~62.01(5)(K)~~]  
2 or (J) [~~(M)~~] is, as permitted by Section 60.002, Family Code, placed  
3 under the supervision of the Texas Youth Commission, a public or  
4 private vendor operating under contract with the Texas Youth  
5 Commission, a local juvenile probation department, or a juvenile  
6 secure pre-adjudication or post-adjudication facility, the  
7 commission, vendor, probation department, or facility shall  
8 conduct the prerelease notification and registration requirements  
9 specified in this article on the date the person is placed under the  
10 supervision of the commission, vendor, probation department, or  
11 facility.

12 (e) Not later than the eighth day after receiving a  
13 registration form under Subsection (b), (c), or (d), the local law  
14 enforcement authority shall verify the age of the victim, the basis  
15 on which the person is subject to registration under this chapter,  
16 and the person's numeric risk level. [~~The authority shall~~  
17 ~~immediately publish notice in English and Spanish in the newspaper~~  
18 ~~of greatest paid circulation in the county in which the person~~  
19 ~~subject to registration intends to reside or, if there is no~~  
20 ~~newspaper of paid circulation in that county, in the newspaper of~~  
21 ~~greatest general circulation in the county, except as provided by~~  
22 ~~Article 62.031. If the authority publishes notice under this~~  
23 ~~subsection, the authority shall publish a duplicate notice in the~~  
24 ~~newspaper, with any necessary corrections, during the week~~  
25 ~~immediately following the week of initial publication.] The local  
26 law enforcement authority shall [~~also~~] immediately provide notice  
27 to the superintendent of the public school district and to the~~

1 administrator of any private primary or secondary school located in  
2 the public school district in which the person subject to  
3 registration intends to reside by mail to the office of the  
4 superintendent or administrator, as appropriate, in accordance  
5 with Article 62.054 [~~62.032~~]. On receipt of a notice under this  
6 subsection, the superintendent shall release the information  
7 contained in the notice to appropriate school district personnel,  
8 including peace officers and security personnel, principals,  
9 nurses, and counselors.

10 (f) [~~The local law enforcement authority shall include in~~  
11 ~~the notice by publication in a newspaper the following information~~  
12 ~~only:~~

13 [~~(1) the person's full name, age, and gender;~~

14 [~~(2) a brief description of the offense for which the~~  
15 ~~person is subject to registration;~~

16 [~~(3) the municipality, numeric street address or~~  
17 ~~physical address, if a numeric street address is not available, and~~  
18 ~~zip code number where the person intends to reside;~~

19 [~~(4) either a recent photograph of the person or the~~  
20 ~~Internet address of a website on which the person's photograph is~~  
21 ~~accessible free of charge; and~~

22 [~~(5) the person's numeric risk level assigned under~~  
23 ~~this chapter and the guidelines used to determine a person's risk~~  
24 ~~level generally.~~

25 [(g)] The local law enforcement authority shall include in  
26 the notice to the superintendent of the public school district and  
27 to the administrator of any private primary or secondary school

1 located in the public school district any information the authority  
2 determines is necessary to protect the public, except:

3 (1) the person's social security number, driver's  
4 license number, or telephone number; and

5 (2) any information that would identify the victim of  
6 the offense for which the person is subject to registration.

7 (g) [~~(h)~~] Before a person who will be subject to  
8 registration under this chapter is due to be released from a penal  
9 institution in this state, an official of the penal institution  
10 shall inform the person that:

11 (1) if the person intends to reside in another state  
12 and to work or attend school in this state, the person must, not  
13 later than the later of the seventh day after the date on which the  
14 person begins to work or attend school or the first date the  
15 applicable local law enforcement authority by policy allows the  
16 person to register or verify registration, register or verify  
17 registration with the local law enforcement authority in the  
18 municipality or county in which the person intends to work or attend  
19 school;

20 (2) if the person intends to reside in this state and  
21 to work or attend school in another state and if the other state has  
22 a registration requirement for sex offenders, the person must:

23 (A) not later than the 10th day after the date on  
24 which the person begins to work or attend school in the other state,  
25 register with the law enforcement authority that is identified by  
26 the department as the authority designated by that state to receive  
27 registration information; and

1 (B) if the person intends to be employed, carry  
2 on a vocation, or be a student at a public or private institution of  
3 higher education in the other state and if an authority for campus  
4 security exists at the institution, register with that authority  
5 not later than the 10th day after the date on which the person  
6 begins to work or attend school; and

7 (3) regardless of the state in which the person  
8 intends to reside, if the person intends to be employed, carry on a  
9 vocation, or be a student at a public or private institution of  
10 higher education in this state, the person must:

11 (A) not later than the later of the seventh day  
12 after the date on which the person begins to work or attend school  
13 or the first date the applicable authority by policy allows the  
14 person to register, register with:

15 (i) the authority for campus security for  
16 that institution; or

17 (ii) except as provided by Article  
18 62.153(e) [~~62.064(e)~~], if an authority for campus security for that  
19 institution does not exist, the local law enforcement authority of:

20 (a) the municipality in which the  
21 institution is located; or

22 (b) the county in which the  
23 institution is located, if the institution is not located in a  
24 municipality; and

25 (B) not later than the seventh day after the date  
26 the person stops working or attending school, notify the  
27 appropriate authority for campus security or local law enforcement

1 authority of the termination of the person's status as a worker or  
2 student.

3 ~~[(i) If a person who is subject to the newspaper publication~~  
4 ~~requirements of Subsection (c) is not under community supervision,~~  
5 ~~parole, or mandatory supervision, the local law enforcement~~  
6 ~~authority obtaining publication of notice regarding the person as~~  
7 ~~required by that subsection shall collect from the person an amount~~  
8 ~~equal to the cost incurred by the authority in obtaining the~~  
9 ~~publication. The cost of the publication of notice must be~~  
10 ~~established by written receipt.~~

11 ~~[Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A~~  
12 ~~local law enforcement authority may not publish notice in a~~  
13 ~~newspaper under Article 62.03(c) or 62.04(f) if the basis on which~~  
14 ~~the person is subject to registration is:~~

15 ~~[(1) an adjudication of delinquent conduct, or~~

16 ~~[(2) a conviction or a deferred adjudication for an~~  
17 ~~offense under Section 25.02, Penal Code, or an offense under the~~  
18 ~~laws of another state, federal law, or the Uniform Code of Military~~  
19 ~~Justice that contains elements substantially similar to the~~  
20 ~~elements of an offense under Section 25.02, Penal Code, if the~~  
21 ~~victim was at the time of the offense a child younger than 17 years~~  
22 ~~of age.~~

23 ~~[(b) In addition to the prohibition on publication~~  
24 ~~established under Subsection (a), a local law enforcement~~  
25 ~~authority may not publish notice in a newspaper under Article~~  
26 ~~62.04(f) if the person subject to registration is assigned a~~  
27 ~~numeric risk level of one.]~~

1           Art. 62.054 [~~62.032~~]. CIRCUMSTANCES REQUIRING NOTICE TO  
2 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law  
3 enforcement authority shall provide notice to the superintendent  
4 and each administrator under Article 62.053(e) [~~62.03(e)~~] or  
5 62.055(f) [~~62.04(f)~~] only if:

6           (1) the victim was at the time of the offense a child  
7 younger than 17 years of age or a student enrolled in a public or  
8 private secondary school;

9           (2) the person subject to registration is a student  
10 enrolled in a public or private secondary school; or

11           (3) the basis on which the person is subject to  
12 registration is a conviction, a deferred adjudication, or an  
13 adjudication of delinquent conduct for an offense under Section  
14 43.25 or 43.26, Penal Code, or an offense under the laws of another  
15 state, federal law, or the Uniform Code of Military Justice that  
16 contains elements substantially similar to the elements of an  
17 offense under either of those sections.

18           (b) A local law enforcement authority may not provide notice  
19 to the superintendent or any administrator under Article 62.053(e)  
20 [~~62.03(e)~~] or 62.055(f) [~~62.04(f)~~] if the basis on which the person  
21 is subject to registration is a conviction, a deferred  
22 adjudication, or an adjudication of delinquent conduct for an  
23 offense under Section 25.02, Penal Code, or an offense under the  
24 laws of another state, federal law, or the Uniform Code of Military  
25 Justice that contains elements substantially similar to the  
26 elements of an offense under that section.

27           [~~Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE; SEX~~

1 ~~OFFENDER SCREENING TOOL. (a) The Texas Department of Criminal~~  
2 ~~Justice shall establish a risk assessment review committee composed~~  
3 ~~of at least five members, each of whom is a state employee whose~~  
4 ~~service on the review committee is in addition to the employee's~~  
5 ~~regular duties. The review committee, to the extent feasible,~~  
6 ~~should include at least:~~

7 ~~[(1) one member having experience in law enforcement,~~

8 ~~[(2) one member having experience working with~~  
9 ~~juvenile sex offenders;~~

10 ~~[(3) one member having experience as a sex offender~~  
11 ~~treatment provider; and~~

12 ~~[(4) one member having experience working with victims~~  
13 ~~of sex offenses.~~

14 ~~[(b) The risk assessment review committee functions in an~~  
15 ~~oversight capacity. The committee shall:~~

16 ~~[(1) develop or select from among existing tools a sex~~  
17 ~~offender screening tool to be used in determining the level of risk~~  
18 ~~of a person subject to registration under this chapter;~~

19 ~~[(2) ensure that staff are trained on the use of the~~  
20 ~~screening tool;~~

21 ~~[(3) monitor the use of the screening tool in the~~  
22 ~~state; and~~

23 ~~[(4) analyze other screening tools as they become~~  
24 ~~available and revise or replace the existing screening tool if~~  
25 ~~warranted.~~

26 ~~[(c) The sex offender screening tool must use an objective~~  
27 ~~point system under which a person is assigned a designated number of~~

1 ~~points for each of various factors. In developing or selecting the~~  
2 ~~sex offender screening tool, the risk assessment review committee~~  
3 ~~shall use or shall select a screening tool that may be adapted to~~  
4 ~~use the following general guidelines:~~

5 ~~[(1) level one (low): a designated range of points on~~  
6 ~~the sex offender screening tool indicating that the person poses a~~  
7 ~~low danger to the community and will not likely engage in criminal~~  
8 ~~sexual conduct;~~

9 ~~[(2) level two (moderate): a designated range of~~  
10 ~~points on the sex offender screening tool indicating that the~~  
11 ~~person poses a moderate danger to the community and may continue to~~  
12 ~~engage in criminal sexual conduct; and~~

13 ~~[(3) level three (high): a designated range of points~~  
14 ~~on the sex offender screening tool indicating that the person poses~~  
15 ~~a serious danger to the community and will continue to engage in~~  
16 ~~criminal sexual conduct.~~

17 ~~[(d) The risk assessment review committee, the Texas~~  
18 ~~Department of Criminal Justice, the Texas Youth Commission, or a~~  
19 ~~court may override a risk level only if the entity:~~

20 ~~[(1) believes that the risk level assessed is not an~~  
21 ~~accurate prediction of the risk the offender poses to the~~  
22 ~~community; and~~

23 ~~[(2) documents the reason for the override in the~~  
24 ~~offender's case file.~~

25 ~~[(e) Notwithstanding Chapter 58, Family Code, records and~~  
26 ~~files, including records that have been sealed under Section 58.003~~  
27 ~~of that code, relating to a person for whom a court, the Texas~~

1 ~~Department of Criminal Justice, or the Texas Youth Commission is~~  
2 ~~required under this article to determine a level of risk shall be~~  
3 ~~released to the court, department, or commission, as appropriate,~~  
4 ~~for the purpose of determining the person's risk level.~~

5 ~~[(f) Chapter 551, Government Code, does not apply to a~~  
6 ~~meeting of the risk assessment review committee.]~~

7 Art. 62.055 [~~62.04~~]. CHANGE OF ADDRESS. (a) If a person  
8 required to register under this chapter intends to change address,  
9 regardless of whether the person intends to move to another state,  
10 the person shall, not later than the seventh day before the intended  
11 change, report in person to the local law enforcement authority  
12 designated as the person's primary registration authority by the  
13 department and to the juvenile probation officer, community  
14 supervision and corrections department officer, or parole officer  
15 supervising the person and provide the authority and the officer  
16 with the person's anticipated move date and new address. If a  
17 person required to register changes address, the person shall, not  
18 later than the later of the seventh day after changing the address  
19 or the first date the applicable local law enforcement authority by  
20 policy allows the person to report, report in person to the local  
21 law enforcement authority in the municipality or county in which  
22 the person's new residence is located and provide the authority  
23 with proof of identity and proof of residence.

24 (b) Not later than the third day after receipt of notice  
25 under Subsection (a), the person's juvenile probation officer,  
26 community supervision and corrections department officer, or  
27 parole officer shall forward the information provided under

1 Subsection (a) to the local law enforcement authority designated as  
2 the person's primary registration authority by the department and,  
3 if the person intends to move to another municipality or county in  
4 this state, to the applicable local law enforcement authority in  
5 that municipality or county.

6 (c) If the person moves to another state that has a  
7 registration requirement for sex offenders, the person shall, not  
8 later than the 10th day after the date on which the person arrives  
9 in the other state, register with the law enforcement agency that is  
10 identified by the department as the agency designated by that state  
11 to receive registration information.

12 (d) Not later than the third day after receipt of  
13 information under Subsection (a) or (b), whichever is earlier, the  
14 local law enforcement authority shall forward this information to  
15 the department and, if the person intends to move to another  
16 municipality or county in this state, to the applicable local law  
17 enforcement authority in that municipality or county.

18 (e) If a person who reports to a local law enforcement  
19 authority under Subsection (a) does not move on or before the  
20 anticipated move date or does not move to the new address provided  
21 to the authority, the person shall:

22 (1) not later than the seventh day after the  
23 anticipated move date, and not less than weekly after that seventh  
24 day, report to the local law enforcement authority designated as  
25 the person's primary registration authority by the department and  
26 provide an explanation to the authority regarding any changes in  
27 the anticipated move date and intended residence; and

1           (2) report to the juvenile probation officer,  
2 community supervision and corrections department officer, or  
3 parole officer supervising the person not less than weekly during  
4 any period in which the person has not moved to an intended  
5 residence.

6           (f) If the person moves to another municipality or county in  
7 this state, the department shall inform the applicable local law  
8 enforcement authority in the new area of the person's residence not  
9 later than the third day after the date on which the department  
10 receives information under Subsection (a). Not later than the  
11 eighth day after the date on which the local law enforcement  
12 authority is informed under Subsection (a) or under this  
13 subsection, the authority shall verify the age of the victim, the  
14 basis on which the person is subject to registration under this  
15 chapter, and the person's numeric risk level. ~~[The authority shall  
16 immediately publish notice in English and Spanish in the newspaper  
17 of greatest paid circulation in the county in which the person  
18 subject to registration intends to reside or, if there is no  
19 newspaper of paid circulation in that county, in the newspaper of  
20 greatest general circulation in the county, except as provided by  
21 Article 62.031. If the authority publishes notice under this  
22 subsection, the authority shall publish a duplicate notice in the  
23 newspaper, with any necessary corrections, during the week  
24 immediately following the week of initial publication.]~~ The local  
25 law enforcement authority shall ~~[also]~~ immediately provide notice  
26 to the superintendent of the public school district and to the  
27 administrator of any private primary or secondary school located in

1 the public school district in which the person subject to  
2 registration intends to reside by mail to the office of the  
3 superintendent or administrator, as appropriate, in accordance  
4 with Article 62.054 [~~62.032~~]. On receipt of a notice under this  
5 subsection, the superintendent shall release the information  
6 contained in the notice to appropriate school district personnel,  
7 including peace officers and security personnel, principals,  
8 nurses, and counselors.

9 (g) [~~The local law enforcement authority shall include in~~  
10 ~~the notice by publication in a newspaper the following information~~  
11 ~~only:~~

12 [~~(1) the person's full name, age, and gender;~~

13 [~~(2) a brief description of the offense for which the~~  
14 ~~person is subject to registration;~~

15 [~~(3) the municipality, numeric street address or~~  
16 ~~physical address, if a numeric street address is not available, and~~  
17 ~~zip code number where the person intends to reside;~~

18 [~~(4) either a recent photograph of the person or the~~  
19 ~~Internet address of a website on which the person's photograph is~~  
20 ~~accessible free of charge; and~~

21 [~~(5) the person's numeric risk level assigned under~~  
22 ~~this chapter and the guidelines used to determine a person's risk~~  
23 ~~level generally.~~

24 [(h)] The local law enforcement authority shall include in  
25 the notice to the superintendent of the public school district and  
26 the administrator of any private primary or secondary school  
27 located in the public school district any information the authority

1 determines is necessary to protect the public, except:

2 (1) the person's social security number, driver's  
3 license number, or telephone number; and

4 (2) any information that would identify the victim of  
5 the offense for which the person is subject to registration.

6 (h) [~~(i)~~] If the person moves to another state, the  
7 department shall, immediately on receiving information under  
8 Subsection (d):

9 (1) inform the [~~law enforcement~~] agency that is  
10 designated by the other state to receive registration information,  
11 if that state has a registration requirement for sex offenders; and

12 (2) send to the Federal Bureau of Investigation a copy  
13 of the person's registration form, including the record of  
14 conviction and a complete set of fingerprints.

15 [~~(j) If a person who is subject to the newspaper publication~~  
16 ~~requirements of Subsection (f) is not under community supervision,~~  
17 ~~parole, or mandatory supervision, the local law enforcement~~  
18 ~~authority obtaining publication of notice regarding the person as~~  
19 ~~required by that subsection shall collect from the person an amount~~  
20 ~~equal to the cost incurred by the authority in obtaining the~~  
21 ~~publication. The cost of the publication of notice must be~~  
22 ~~established by written receipt.~~

23 [~~Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT~~  
24 ~~COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"~~  
25 ~~means water, wastewater, sewer, gas, garbage, electricity, or~~  
26 ~~drainage service.~~

27 [~~(b) A political subdivision served by a local law~~

1 ~~enforcement authority obtaining publication of notice under~~  
2 ~~Article 62.03 or 62.04 may bill any unpaid amount under that~~  
3 ~~article, identified separately, within a bill for a utility service~~  
4 ~~provided by the political subdivision to the person who is the~~  
5 ~~subject of the notice, and may suspend service of the utility to a~~  
6 ~~person who is delinquent in payment of the amount until the~~  
7 ~~delinquent claim is fully paid to the political subdivision.~~

8 ~~[(c) The political subdivision shall remit an amount~~  
9 ~~collected under this article to the local law enforcement~~  
10 ~~authority.]~~

11 Art. 62.056 [~~62.045~~]. ADDITIONAL PUBLIC NOTICE FOR CERTAIN  
12 OFFENDERS. (a) On receipt of notice under this chapter that a  
13 person subject to registration is due to be released from a penal  
14 institution, has been placed on community supervision or juvenile  
15 probation, or intends to move to a new residence in this state, the  
16 department shall verify the person's numeric risk level assigned  
17 under this chapter. If the person is assigned a numeric risk level  
18 of three, the department shall, not later than the seventh day after  
19 the date on which the person is released or the 10th day after the  
20 date on which the person moves, provide written notice mailed or  
21 delivered to at least each [~~residential~~] address, other than a post  
22 office box, within a one-mile radius, in an area that has not been  
23 subdivided, or a three-block area, in an area that has been  
24 subdivided, of the place where the person intends to reside. In  
25 providing written notice under this subsection, the department  
26 shall use employees of the department whose duties in providing the  
27 notice are in addition to the employees' regular duties.

1 (b) The department shall provide the notice in English and  
2 Spanish and shall include in the notice any information that is  
3 public information under this chapter. The department may not  
4 include any information that is not public information under this  
5 chapter.

6 (c) The department shall establish procedures for a person  
7 with respect to whom notice is provided under Subsection (a), other  
8 than a person subject to registration on the basis of an  
9 adjudication of delinquent conduct, to pay to the department all  
10 costs incurred by the department in providing the notice. The  
11 person shall pay those costs in accordance with the procedures  
12 established under this subsection.

13 (d) On receipt of notice under this chapter that a person  
14 subject to registration under this chapter is required to register  
15 or verify registration with a local law enforcement authority and  
16 has been assigned a numeric risk level of three, the local law  
17 enforcement authority may provide notice to the public in any  
18 manner determined appropriate by the local law enforcement  
19 authority, including publishing notice in a newspaper or other  
20 periodical or circular in circulation in the area where the person  
21 intends to reside, holding a neighborhood meeting, posting notices  
22 in the area where the person intends to reside, distributing  
23 printed notices to area residents, or establishing a specialized  
24 local website. The local law enforcement authority may include in  
25 the notice only ~~any~~ information that is public information under  
26 this chapter.

27 (e) An owner, builder, seller, or lessor of a single-family

1 residential real property or any improvement to residential real  
2 property or that person's broker, salesperson, or other agent or  
3 representative in a residential real estate transaction does not  
4 have a duty to make a disclosure to a prospective buyer or lessee  
5 about registrants under this chapter. To the extent of any conflict  
6 between this subsection and another law imposing a duty to disclose  
7 information about registered sex offenders, this subsection  
8 controls.

9 ~~[Art. 62.0451. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS~~  
10 ~~SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this~~  
11 ~~chapter that a person subject to registration who is civilly~~  
12 ~~committed as a sexually violent predator is due to be released from~~  
13 ~~a penal institution or intends to move to a new residence in this~~  
14 ~~state, the department shall, not later than the seventh day after~~  
15 ~~the date on which the person is released or the 10th day after the~~  
16 ~~date on which the person moves, provide written notice mailed or~~  
17 ~~delivered to at least each residential address within a one-mile~~  
18 ~~radius, in an area that has not been subdivided, or a three-block~~  
19 ~~area, in an area that has been subdivided, of the place where the~~  
20 ~~person intends to reside.~~

21 ~~[(b) The department shall provide the notice in English and~~  
22 ~~Spanish and shall include in the notice any information that is~~  
23 ~~public information under this chapter. The department may not~~  
24 ~~include any information that is not public information under this~~  
25 ~~chapter.~~

26 ~~[(c) The department shall establish procedures for a person~~  
27 ~~with respect to whom notice is provided under this article to pay to~~

1 ~~the department all costs incurred by the department in providing~~  
2 ~~the notice. The person shall pay those costs in accordance with the~~  
3 ~~procedures established under this subsection.~~

4 ~~[(d) The department's duty to provide notice under this~~  
5 ~~article in regard to a particular person ends on the date on which a~~  
6 ~~court releases the person from all requirements of the civil~~  
7 ~~commitment process.]~~

8 Art. 62.057 [~~62.05~~]. STATUS REPORT BY SUPERVISING OFFICER  
9 OR LOCAL LAW ENFORCEMENT AUTHORITY [~~AGENCY~~]. (a) If the juvenile  
10 probation officer, community supervision and corrections  
11 department officer, or parole officer supervising a person subject  
12 to registration under this chapter receives information to the  
13 effect that the person's status has changed in any manner that  
14 affects proper supervision of the person, including a change in the  
15 person's name, physical health, job or educational status,  
16 including higher educational status, incarceration, or terms of  
17 release, the supervising officer shall promptly notify the  
18 appropriate local law enforcement authority or authorities of that  
19 change. If the person required to register intends to change  
20 address, the supervising officer shall notify the local law  
21 enforcement authorities designated by Article 62.055(b)  
22 [~~62.04(b)~~]. Not later than the seventh day after the date the  
23 supervising officer receives the relevant information, the  
24 supervising officer shall notify the local law enforcement  
25 authority of any change in the person's job or educational status in  
26 which the person:

- 27 (1) becomes employed, begins to carry on a vocation,

1 or becomes a student at a particular public or private institution  
2 of higher education; or

3 (2) terminates the person's status in that capacity.

4 (b) Not later than the seventh day after the date of the  
5 change, a person subject to registration under this chapter shall  
6 report to the local law enforcement authority designated as the  
7 person's primary registration authority by the department any  
8 change in the person's name, physical health, or ~~[in the person's]~~  
9 job or educational status, including higher educational status.

10 (c) For purposes of Subsection (b):

11 (1) ~~[this subsection,~~ a person's job status changes  
12 if the person leaves employment for any reason, remains employed by  
13 an employer but changes the location at which the person works, or  
14 begins employment with a new employer;

15 (2) ~~[For purposes of this subsection,~~ a person's  
16 health status changes if the person is hospitalized as a result of  
17 an illness;

18 (3) ~~[For purposes of this subsection,~~ a change in a  
19 person's educational status includes the person's transfer from one  
20 educational facility to another; and

21 (4) regarding ~~[Regarding]~~ a change of name, ~~[the]~~  
22 notice of the ~~[a]~~ proposed name ~~[change]~~ provided to a local law  
23 enforcement authority as described by Sections 45.004 and 45.103,  
24 Family Code, is sufficient ~~[for purposes of this subsection]~~,  
25 except that the person shall promptly notify the authority of any  
26 denial of the person's petition for a change of name.

27 (d) Not later than the seventh day after the date the local

1 law enforcement authority receives the relevant information, the  
2 local law enforcement authority shall notify the department of any  
3 change in the person's job or educational status in which the  
4 person:

5 (1) becomes employed, begins to carry on a vocation,  
6 or becomes a student at a particular public or private institution  
7 of higher education; or

8 (2) terminates the person's status in that capacity.

9 Art. 62.058 [~~62.06~~]. LAW ENFORCEMENT VERIFICATION OF  
10 REGISTRATION INFORMATION. (a) A person subject to registration  
11 under this chapter who has for a sexually violent offense been  
12 convicted two or more times, received an order of deferred  
13 adjudication two or more times, or been convicted and received an  
14 order of deferred adjudication shall report to the local law  
15 enforcement authority designated as the person's primary  
16 registration authority by the department not less than once in each  
17 90-day period following the date the person first registered under  
18 this chapter to verify the information in the registration form  
19 maintained by the authority for that person. A person subject to  
20 registration under this chapter who is not subject to the 90-day  
21 reporting requirement described by this subsection shall report to  
22 the local law enforcement authority designated as the person's  
23 primary registration authority by the department once each year not  
24 earlier than the 30th day before and not later than the 30th day  
25 after the anniversary of the person's date of birth to verify the  
26 information in the registration form maintained by the authority  
27 for that person. For purposes of this subsection, a person complies

1 with a requirement that the person register within a 90-day period  
2 following a date if the person registers at any time on or after the  
3 83rd day following that date but before the 98th day after that  
4 date.

5 (b) A local law enforcement authority designated as a  
6 person's primary registration authority by the department may  
7 direct the person to report to the authority to verify the  
8 information in the registration form maintained by the authority  
9 for that person. The authority may direct the person to report  
10 under this subsection once in each 90-day period following the date  
11 the person first registered under this chapter, if the person is  
12 required to report not less than once in each 90-day period under  
13 Subsection (a) or once in each year not earlier than the 30th day  
14 before and not later than the 30th day after the anniversary of the  
15 person's date of birth, if the person is required to report once  
16 each year under Subsection (a). A local law enforcement authority  
17 may not direct a person to report to the authority under this  
18 subsection if the person is required to report under Subsection (a)  
19 and is in compliance with the reporting requirements of that  
20 subsection.

21 (c) A local law enforcement authority with whom a person  
22 reports under this article shall require the person to produce  
23 proof of the person's identity and residence before the authority  
24 gives the registration form to the person for verification. If the  
25 information in the registration form is complete and accurate, the  
26 person shall verify registration by signing the form. If the  
27 information is not complete or not accurate, the person shall make

1 any necessary additions or corrections before signing the form.

2 (d) A local law enforcement authority designated as a  
3 person's primary registration authority by the department may at  
4 any time mail a nonforwardable verification form to the last  
5 reported address of the person. Not later than the 21st day after  
6 receipt of a verification form under this subsection, the person  
7 shall:

8 (1) indicate on the form whether the person still  
9 resides at the last reported address and, if not, provide on the  
10 form the person's new address;

11 (2) complete any other information required by the  
12 form;

13 (3) sign the form; and

14 (4) return the form to the authority.

15 (e) For purposes of this article, a person receives multiple  
16 convictions or orders of deferred adjudication regardless of  
17 whether:

18 (1) the judgments or orders are entered on different  
19 dates; or

20 (2) the offenses for which the person was convicted or  
21 placed on deferred adjudication arose out of different criminal  
22 transactions.

23 ~~[Art. 62.061. VERIFICATION OF INDIVIDUALS SUBJECT TO~~  
24 ~~COMMITMENT. (a) Notwithstanding Article 62.06, if an individual~~  
25 ~~subject to registration under this chapter is civilly committed as~~  
26 ~~a sexually violent predator, the person shall report to the local~~  
27 ~~law enforcement authority designated as the person's primary~~

1 ~~registration authority by the department not less than once in each~~  
2 ~~30-day period following the date the person first registered under~~  
3 ~~this chapter to verify the information in the registration form~~  
4 ~~maintained by the authority for that person. For purposes of this~~  
5 ~~subsection, a person complies with a requirement that the person~~  
6 ~~register within a 30-day period following a date if the person~~  
7 ~~registers at any time on or after the 27th day following that date~~  
8 ~~but before the 33rd day after that date.~~

9 ~~[(b) On the date that a court releases a person described by~~  
10 ~~Subsection (a) from all requirements of the civil commitment~~  
11 ~~process.]~~

12 ~~[(1) the person's duty to verify registration as a sex~~  
13 ~~offender is no longer imposed by this article; and~~

14 ~~[(2) the person is required to verify registration as~~  
15 ~~provided by Article 62.06.]~~

16 Art. 62.059 [~~62.062~~]. REGISTRATION OF PERSONS REGULARLY  
17 VISITING LOCATION. (a) A person subject to this chapter who on at  
18 least three occasions during any month spends more than 48  
19 consecutive hours in a municipality or county in this state, other  
20 than the municipality or county in which the person is registered  
21 under this chapter, before the last day of that month shall report  
22 that fact to:

23 (1) the local law enforcement authority of the  
24 municipality in which the person is a visitor; or

25 (2) if the person is a visitor in a location that is  
26 not a municipality, the local law enforcement authority of the  
27 county in which the person is a visitor.

1 (b) A person described by Subsection (a) shall provide the  
2 local law enforcement authority with:

3 (1) all information the person is required to provide  
4 under Article 62.051(c) [~~62.02(b)~~];

5 (2) the address of any location in the municipality or  
6 county, as appropriate, at which the person was lodged during the  
7 month; and

8 (3) a statement as to whether the person intends to  
9 return to the municipality or county during the succeeding month.

10 (c) This article does not impose on a local law enforcement  
11 authority requirements of public notification or notification to  
12 schools relating to a person about whom the authority is not  
13 otherwise required by this chapter to make notifications.

14 [~~Art. 62.063. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.~~

15 ~~(a) A person is subject to this article and, except as otherwise~~  
16 ~~provided by this article, to the other articles of this chapter if~~  
17 ~~the person:~~

18 [~~(1) has a reportable conviction or adjudication,~~

19 [~~(2) resides in another state, and~~

20 [~~(3) is employed, carries on a vocation, or is a~~  
21 ~~student in this state.~~

22 [~~(b) A person described by Subsection (a) is subject to the~~  
23 ~~registration and verification requirements of Articles 62.02 and~~  
24 ~~62.06 and to the change of address requirements of Article 62.04,~~  
25 ~~except that the registration and verification and the reporting of~~  
26 ~~a change of address are based on the municipality or county in which~~  
27 ~~the person works or attends school. The person is subject to the~~

1 ~~school notification requirements of Articles 62.03 and 62.04,~~  
2 ~~except that notice provided to the superintendent and any~~  
3 ~~administrator is based on the public school district in which the~~  
4 ~~person works or attends school.~~

5 ~~[(c) A person described by Subsection (a) is not subject to~~  
6 ~~Article 62.12 and the newspaper publication requirements of~~  
7 ~~Articles 62.03 and 62.04.~~

8 ~~[(d) The duty to register for a person described by~~  
9 ~~Subsection (a) ends when the person no longer works or studies in~~  
10 ~~this state, provides notice of that fact to the local law~~  
11 ~~enforcement authority in the municipality or county in which the~~  
12 ~~person works or attends school, and receives notice of verification~~  
13 ~~of that fact from the authority. The authority must verify that the~~  
14 ~~person no longer works or studies in this state and must provide to~~  
15 ~~the person notice of that verification within a reasonable time.~~

16 ~~[(e) Notwithstanding Subsection (a), this article does not~~  
17 ~~apply to a person who has a reportable conviction or adjudication,~~  
18 ~~who resides in another state, and who is employed, carries on a~~  
19 ~~vocation, or is a student in this state if the person establishes~~  
20 ~~another residence in this state to work or attend school in this~~  
21 ~~state. However, that person remains subject to the other articles~~  
22 ~~of this chapter based on that person's residence in this state.~~

23 ~~[Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT~~  
24 ~~INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh~~  
25 ~~day after the date on which the person begins to work or attend~~  
26 ~~school, a person required to register under Article 62.061, as~~  
27 ~~added by Chapters 1193 and 1415, Acts of the 76th Legislature,~~

1 ~~Regular Session, 1999, or any other provision of this chapter who is~~  
2 ~~employed, carries on a vocation, or is a student at a public or~~  
3 ~~private institution of higher education in this state shall report~~  
4 ~~that fact to:~~

5 ~~[(1) the authority for campus security for that~~  
6 ~~institution; or~~

7 ~~[(2) if an authority for campus security for that~~  
8 ~~institution does not exist, the local law enforcement authority of:~~

9 ~~[(A) the municipality in which the institution is~~  
10 ~~located; or~~

11 ~~[(B) the county in which the institution is~~  
12 ~~located, if the institution is not located in a municipality.~~

13 ~~[(b) A person described by Subsection (a) shall provide the~~  
14 ~~authority for campus security or the local law enforcement~~  
15 ~~authority with all information the person is required to provide~~  
16 ~~under Article 62.02(b).~~

17 ~~[(c) A person described by Subsection (a) shall notify the~~  
18 ~~authority for campus security or the local law enforcement~~  
19 ~~authority not later than the seventh day after the date of~~  
20 ~~termination of the person's status as a worker or student at the~~  
21 ~~institution.~~

22 ~~[(d) The authority for campus security or the local law~~  
23 ~~enforcement authority shall promptly forward to the administrative~~  
24 ~~office of the institution any information received from the person~~  
25 ~~under this article and any information received from the department~~  
26 ~~under Article 62.08.~~

27 ~~[(e) Subsection (a)(2) does not require a person to register~~

1 ~~at a local law enforcement authority if the person is otherwise~~  
2 ~~required by this chapter to register at that authority.~~

3 ~~[(f) This article does not impose the requirements of public~~  
4 ~~notification or notification to public or private primary or~~  
5 ~~secondary schools on:~~

6 ~~[(1) an authority for campus security; or~~

7 ~~[(2) a local law enforcement authority, if those~~  
8 ~~requirements relate to a person about whom the authority is not~~  
9 ~~otherwise required by this chapter to make notifications.~~

10 ~~[(g) Notwithstanding Article 62.062, the requirements of~~  
11 ~~this article supersede those of Article 62.062 for a person~~  
12 ~~required to register under both this article and Article 62.062.]~~

13 Art. 62.060 [~~62.065~~]. REQUIREMENTS RELATING TO DRIVER'S  
14 LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person  
15 subject to registration under this chapter shall apply to the  
16 department in person for the issuance of, as applicable, an  
17 original or renewal driver's license under Section 521.272,  
18 Transportation Code, an original or renewal personal  
19 identification certificate under Section 521.103, Transportation  
20 Code, or an original or renewal commercial driver's license or  
21 commercial driver learner's permit under Section 522.033,  
22 Transportation Code, not later than the 30th day after the date:

23 (1) the person is released from a penal institution or  
24 is released by a court on community supervision or juvenile  
25 probation [~~or community supervision~~]; or

26 (2) the department sends written notice to the person  
27 of the requirements of this article.

1 (b) The person shall annually renew in person each driver's  
2 license or personal identification certificate issued by the  
3 department to the person, including each renewal, duplicate, or  
4 corrected license or certificate, until the person's duty to  
5 register under this chapter expires.

6 Art. 62.061. DNA SPECIMEN. A person required to register  
7 under this chapter shall comply with a request for a DNA specimen  
8 made by a law enforcement agency under Section 411.1473, Government  
9 Code.

10 Art. 62.062. LIMITATION ON NEWSPAPER PUBLICATION. (a)  
11 Except as provided by Subsection (b), a local law enforcement  
12 authority may not publish notice in a newspaper or other periodical  
13 or circular concerning a person's registration under this chapter  
14 if the only basis on which the person is subject to registration is  
15 one or more adjudications of delinquent conduct.

16 (b) This article does not apply to a publication of notice  
17 under Article 62.056.

18 Art. 62.063. CERTAIN PERSONS PROHIBITED FROM RESIDING NEAR  
19 SCHOOL. (a) This article applies only to a person who is:

20 (1) required to register as a sex offender under this  
21 chapter because of a reportable conviction or adjudication  
22 involving a victim younger than 14 years of age; or

23 (2) civilly committed as a sexually violent predator  
24 under Chapter 841, Health and Safety Code, and subject to  
25 outpatient treatment and supervision under that chapter.

26 (b) A person to whom this article applies may not reside  
27 within 1,000 feet of a public or private school campus, as measured

1 in a straight line from the nearest property line of the residence  
2 to the nearest property line of the campus.

3 (c) A person to whom this article applies who resides within  
4 1,000 feet of a school campus may remain at the person's residence  
5 if:

6 (1) the person resided at the residence on September  
7 1, 2005; or

8 (2) the person is residing at the residence at the time  
9 that the campus is established or extended to within 1,000 feet of  
10 the residence.

11 (d) For each person described by Subsection (c) who remains  
12 at the residence, the state, county, or local law enforcement  
13 agency with the primary responsibility for registering or  
14 supervising the person shall provide written notice, including the  
15 person's address and a recent photograph of the person, to the  
16 appropriate public or private school campus not later than the  
17 first day of instruction each school year.

18 (e) A person to whom this article applies commits an offense  
19 if the person violates this article. The punishment for an offense  
20 under this subsection is a felony of the third degree and is  
21 considered to be a conviction of an offense under Article 62.102 for  
22 purposes of enhancement under Subsection (c) of that article.

23 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL

24 PENALTIES FOR NONCOMPLIANCE

25 Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as  
26 provided by Subsection (b) and Subchapter I, the duty to register  
27 for a person ends when the person dies if the person has a

1 reportable conviction or adjudication, other than an adjudication  
2 of delinquent conduct, for:

3 (1) a sexually violent offense;

4 (2) an offense under Section 25.02, 43.05(a)(2), or  
5 43.26, Penal Code;

6 (3) an offense under Section 21.11(a)(2), Penal Code,  
7 if before or after the person is convicted or adjudicated for the  
8 offense under Section 21.11(a)(2), Penal Code, the person receives  
9 or has received another reportable conviction or adjudication,  
10 other than an adjudication of delinquent conduct, for an offense or  
11 conduct that requires registration under this chapter;

12 (4) an offense under Section 20.02, 20.03, or 20.04,  
13 Penal Code, if:

14 (A) the judgment in the case contains an  
15 affirmative finding under Article 42.015 or, for a deferred  
16 adjudication, the papers in the case contain an affirmative finding  
17 that the victim or intended victim was younger than 17 years of age;  
18 and

19 (B) before or after the person is convicted or  
20 adjudicated for the offense under Section 20.02, 20.03, or 20.04,  
21 Penal Code, the person receives or has received another reportable  
22 conviction or adjudication, other than an adjudication of  
23 delinquent conduct, for an offense or conduct that requires  
24 registration under this chapter; or

25 (5) an offense under Section 43.23, Penal Code, that  
26 is punishable under Subsection (h) of that section.

27 (b) Except as provided by Subchapter I, the duty to register

1 for a person otherwise subject to Subsection (a) ends on the 10th  
2 anniversary of the date on which the person is released from a penal  
3 institution or discharges community supervision or the court  
4 dismisses the criminal proceedings against the person and  
5 discharges the person, whichever date is later, if the person's  
6 duty to register is based on a conviction or an order of deferred  
7 adjudication in a cause that was transferred to a district court or  
8 criminal district court under Section 54.02, Family Code.

9 (c) Except as provided by Subchapter I, the duty to register  
10 for a person with a reportable conviction or adjudication for an  
11 offense other than an offense described by Subsection (a) ends:

12 (1) if the person's duty to register is based on an  
13 adjudication of delinquent conduct, on the 10th anniversary of the  
14 date on which the disposition is made or the person completes the  
15 terms of the disposition, whichever date is later; or

16 (2) if the person's duty to register is based on a  
17 conviction or on an order of deferred adjudication, on the 10th  
18 anniversary of the date on which the court dismisses the criminal  
19 proceedings against the person and discharges the person, the  
20 person is released from a penal institution, or the person  
21 discharges community supervision, whichever date is later.

22 ~~[Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. A person~~  
23 ~~subject to registration under this chapter may petition the~~  
24 ~~district court for injunctive relief to restrain a local law~~  
25 ~~enforcement authority from publishing notice in a newspaper as~~  
26 ~~required by Article 62.03 or 62.04. The court may issue a temporary~~  
27 ~~restraining order under this article before notice is served and a~~

1 ~~hearing is held on the matter. After a hearing on the matter, the~~  
2 ~~court may grant any injunctive relief warranted by the facts,~~  
3 ~~including a restraining order or a temporary or permanent~~  
4 ~~injunction, if the person subject to registration under this~~  
5 ~~chapter proves by a preponderance of the evidence specific facts~~  
6 ~~indicating that newspaper publication under Article 62.03 or 62.04~~  
7 ~~would place the person's health and well-being in immediate danger.~~

8 ~~[Art. 62.08. CENTRAL DATABASE; PUBLIC INFORMATION. (a) The~~  
9 ~~department shall maintain a computerized central database~~  
10 ~~containing only the information required for registration under~~  
11 ~~this chapter.~~

12 ~~[(b) The information contained in the database is public~~  
13 ~~information, with the exception of any information:~~

14 ~~[(1) regarding the person's social security number,~~  
15 ~~driver's license number, or telephone number;~~

16 ~~[(2) that is required by the department under Article~~  
17 ~~62.02(b)(7); or~~

18 ~~[(3) that would identify the victim of the offense for~~  
19 ~~which the person is subject to registration.~~

20 ~~[(c) Notwithstanding Chapter 730, Transportation Code, the~~  
21 ~~department shall maintain in the database, and shall post on any~~  
22 ~~department website related to the database, any photograph of the~~  
23 ~~person that is available through the process for obtaining or~~  
24 ~~renewing a personal identification certificate or driver's license~~  
25 ~~under Section 521.103 or 521.272, Transportation Code. The~~  
26 ~~department shall update the photograph in the database and on the~~  
27 ~~website annually or as the photograph otherwise becomes available~~

1 ~~through the renewal process for the certificate or license.~~

2 ~~[(d) A local law enforcement authority shall release public~~  
3 ~~information described under Subsection (b) to any person who~~  
4 ~~submits to the authority a written request for the information. The~~  
5 ~~authority may charge the person a fee not to exceed the amount~~  
6 ~~reasonably necessary to cover the administrative costs associated~~  
7 ~~with the authority's release of information to the person under~~  
8 ~~this subsection.~~

9 ~~[(e) The department shall provide a licensing authority~~  
10 ~~with notice of any person required to register under this chapter~~  
11 ~~who holds or seeks a license that is issued by the authority. The~~  
12 ~~department shall provide the notice required by this subsection as~~  
13 ~~the applicable licensing information becomes available through the~~  
14 ~~person's registration or verification of registration.~~

15 ~~[(f) On the written request of a licensing authority that~~  
16 ~~identifies an individual and states that the individual is an~~  
17 ~~applicant for or a holder of a license issued by the authority, the~~  
18 ~~department shall release any information described by Subsection~~  
19 ~~(a) to the licensing authority.~~

20 ~~[(g) For the purposes of Subsections (e) and (f):~~

21 ~~[(1) "License" means a license, certificate,~~  
22 ~~registration, permit, or other authorization that:~~

23 ~~[(A) is issued by a licensing authority, and~~

24 ~~[(B) a person must obtain to practice or engage~~  
25 ~~in a particular business, occupation, or profession.~~

26 ~~[(2) "Licensing authority" means a department,~~  
27 ~~commission, board, office, or other agency of the state or a~~

1 ~~political subdivision of the state that issues a license.~~

2 ~~[(h) Not later than the third day after the date on which the~~  
3 ~~applicable information becomes available through the person's~~  
4 ~~registration or verification of registration or under Article~~  
5 ~~62.05, the department shall send notice of any person required to~~  
6 ~~register under this chapter who is or will be employed, carrying on~~  
7 ~~a vocation, or a student at a public or private institution of~~  
8 ~~higher education in this state to:~~

9 ~~[(1) for an institution in this state:~~

10 ~~[(A) the authority for campus security for that~~  
11 ~~institution; or~~

12 ~~[(B) if an authority for campus security for that~~  
13 ~~institution does not exist, the local law enforcement authority of:~~

14 ~~[(i) the municipality in which the~~  
15 ~~institution is located; or~~

16 ~~[(ii) the county in which the institution~~  
17 ~~is located, if the institution is not located in a municipality; or~~

18 ~~[(2) for an institution in another state, any existing~~  
19 ~~authority for campus security at that institution.~~

20 ~~[(i) On the written request of an institution of higher~~  
21 ~~education described by Subsection (h) that identifies an individual~~  
22 ~~and states that the individual has applied to work or study at the~~  
23 ~~institution, the department shall release any information~~  
24 ~~described by Subsection (a) to the institution.~~

25 ~~[Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. The~~  
26 ~~department shall establish a procedure by which a peace officer or~~  
27 ~~employee of a law enforcement agency who provides the department~~

1 ~~with a driver's license, personal identification certificate, or~~  
2 ~~license plate number is automatically provided information as to~~  
3 ~~whether the person to whom the driver's license or personal~~  
4 ~~identification certificate is issued is required to register under~~  
5 ~~this chapter or whether the license plate number is entered in the~~  
6 ~~computerized central database under Article 62.08 as assigned to a~~  
7 ~~vehicle owned or driven by a person required to register under this~~  
8 ~~chapter.~~

9 ~~[Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.~~

10 ~~(a) The department, a penal institution, a local law enforcement~~  
11 ~~authority, or an authority for campus security may release to the~~  
12 ~~public information regarding a person required to register only if~~  
13 ~~the information is public information under this chapter.~~

14 ~~[(b) An individual, agency, entity, or authority is not~~  
15 ~~liable under Chapter 101, Civil Practice and Remedies Code, or any~~  
16 ~~other law for damages arising from conduct authorized by Subsection~~  
17 ~~(a).~~

18 ~~[(c) For purposes of determining liability, the release or~~  
19 ~~withholding of information by an appointed or elected officer of an~~  
20 ~~agency, entity, or authority is a discretionary act.~~

21 ~~[(d) A private primary or secondary school, public or~~  
22 ~~private institution of higher education, or administrator of a~~  
23 ~~private primary or secondary school or public or private~~  
24 ~~institution of higher education may release to the public~~  
25 ~~information regarding a person required to register only if the~~  
26 ~~information is public information under this chapter and is~~  
27 ~~released to the administrator under Article 62.03, 62.04, 62.064,~~

1 ~~or 62.08. A private primary or secondary school, public or private~~  
2 ~~institution of higher education, or administrator of a private~~  
3 ~~primary or secondary school or public or private institution of~~  
4 ~~higher education is not liable under any law for damages arising~~  
5 ~~from conduct authorized by this subsection.~~

6 ~~[Art. 62.091. GENERAL IMMUNITY. The following persons are~~  
7 ~~immune from liability for good faith conduct under this chapter.~~

8 ~~[(1) an employee or officer of the Texas Department of~~  
9 ~~Criminal Justice, the Texas Youth Commission, the Texas Juvenile~~  
10 ~~Probation Commission, or the Department of Public Safety,~~

11 ~~[(2) an employee or officer of a community supervision~~  
12 ~~and corrections department or a juvenile probation department, and~~

13 ~~[(3) a member of the judiciary.]~~

14 Art. 62.102 [~~62.10~~]. FAILURE TO COMPLY WITH REGISTRATION  
15 REQUIREMENTS. (a) A person commits an offense if the person is  
16 required to register and fails to comply with any requirement of  
17 this chapter.

18 (b) An offense under this article is:

19 (1) a state jail felony if the actor is a person whose  
20 duty to register expires under Article 62.101(b) or (c) [~~62.12(b)~~];

21 (2) a felony of the third degree if the actor is a  
22 person whose duty to register expires under Article 62.101(a)  
23 [~~62.12(a)~~] and who is required to verify registration once each  
24 year under Article 62.058 [~~62.06~~]; and

25 (3) a felony of the second degree if the actor is a  
26 person whose duty to register expires under Article 62.101(a)  
27 [~~62.12(a)~~] and who is required to verify registration once each

1 90-day period under Article 62.058 [~~62.06~~].

2 (c) If it is shown at the trial of a person for an offense or  
3 an attempt to commit an offense under this article that the person  
4 has previously been convicted of an offense or an attempt to commit  
5 an offense under this article, the punishment for the offense or the  
6 attempt to commit the offense is increased to the punishment for the  
7 next highest degree of felony.

8 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN

9 WORKERS AND STUDENTS

10 Art. 62.151. DEFINITIONS. For purposes of this subchapter,  
11 a person:

12 (1) is employed or carries on a vocation if the person  
13 works or volunteers on a full-time or part-time basis for a  
14 consecutive period exceeding 14 days or for an aggregate period  
15 exceeding 30 days in a calendar year;

16 (2) works regardless of whether the person works for  
17 compensation or for governmental or educational benefit; and

18 (3) is a student if the person enrolls on a full-time  
19 or part-time basis in any educational facility, including:

20 (A) a public or private primary or secondary  
21 school, including a high school or alternative learning center; or

22 (B) a public or private institution of higher  
23 education.

24 Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

25 (a) A person is subject to this subchapter and, except as otherwise  
26 provided by this article, to the other subchapters of this chapter  
27 if the person:

1           (1) has a reportable conviction or adjudication;  
2           (2) resides in another state; and  
3           (3) is employed, carries on a vocation, or is a student  
4 in this state.

5           (b) A person described by Subsection (a) is subject to the  
6 registration and verification requirements of Articles 62.051 and  
7 62.058 and to the change of address requirements of Article 62.055,  
8 except that the registration and verification and the reporting of  
9 a change of address are based on the municipality or county in which  
10 the person works or attends school. The person is subject to the  
11 school notification requirements of Articles 62.053-62.055, except  
12 that notice provided to the superintendent and any administrator is  
13 based on the public school district in which the person works or  
14 attends school.

15           (c) A person described by Subsection (a) is not subject to  
16 Article 62.101.

17           (d) The duty to register for a person described by  
18 Subsection (a) ends when the person no longer works or studies in  
19 this state, provides notice of that fact to the local law  
20 enforcement authority in the municipality or county in which the  
21 person works or attends school, and receives notice of verification  
22 of that fact from the authority. The authority must verify that the  
23 person no longer works or studies in this state and must provide to  
24 the person notice of that verification within a reasonable time.

25           (e) Notwithstanding Subsection (a), this article does not  
26 apply to a person who has a reportable conviction or adjudication,  
27 who resides in another state, and who is employed, carries on a

1 vocation, or is a student in this state if the person establishes  
2 another residence in this state to work or attend school in this  
3 state. However, that person remains subject to the other articles  
4 of this chapter based on that person's residence in this state.

5 Art. 62.153. REGISTRATION OF WORKERS OR STUDENTS AT  
6 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the later of  
7 the seventh day after the date on which the person begins to work or  
8 attend school or the first date the applicable authority by policy  
9 allows the person to register, a person required to register under  
10 Article 62.152 or any other provision of this chapter who is  
11 employed, carries on a vocation, or is a student at a public or  
12 private institution of higher education in this state shall report  
13 that fact to:

14 (1) the authority for campus security for that  
15 institution; or

16 (2) if an authority for campus security for that  
17 institution does not exist, the local law enforcement authority of:

18 (A) the municipality in which the institution is  
19 located; or

20 (B) the county in which the institution is  
21 located, if the institution is not located in a municipality.

22 (b) A person described by Subsection (a) shall provide the  
23 authority for campus security or the local law enforcement  
24 authority with all information the person is required to provide  
25 under Article 62.051(c).

26 (c) A person described by Subsection (a) shall notify the  
27 authority for campus security or the local law enforcement

1 authority not later than the seventh day after the date of  
2 termination of the person's status as a worker or student at the  
3 institution.

4 (d) The authority for campus security or the local law  
5 enforcement authority shall promptly forward to the administrative  
6 office of the institution any information received from the person  
7 under this article and any information received from the department  
8 under Article 62.005.

9 (e) Subsection (a)(2) does not require a person to register  
10 with a local law enforcement authority if the person is otherwise  
11 required by this chapter to register with that authority.

12 (f) This article does not impose the requirements of public  
13 notification or notification to public or private primary or  
14 secondary schools on:

15 (1) an authority for campus security; or

16 (2) a local law enforcement authority, if those  
17 requirements relate to a person about whom the authority is not  
18 otherwise required by this chapter to make notifications.

19 (g) Notwithstanding Article 62.059, the requirements of  
20 this article supersede those of Article 62.059 for a person  
21 required to register under both this article and Article 62.059.

22 SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS

23 SUBJECT TO CIVIL COMMITMENT

24 Art. 62.201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS  
25 SUBJECT TO CIVIL COMMITMENT. (a) On receipt of notice under this  
26 chapter that a person subject to registration who is civilly  
27 committed as a sexually violent predator is due to be released from

1 a penal institution or intends to move to a new residence in this  
2 state, the department shall, not later than the seventh day after  
3 the date on which the person is released or the seventh day after  
4 the date on which the person moves, provide written notice mailed or  
5 delivered to at least each address, other than a post office box,  
6 within a one-mile radius, in an area that has not been subdivided,  
7 or a three-block area, in an area that has been subdivided, of the  
8 place where the person intends to reside.

9 (b) The department shall provide the notice in English and  
10 Spanish and shall include in the notice any information that is  
11 public information under this chapter. The department may not  
12 include any information that is not public information under this  
13 chapter.

14 (c) The department shall establish procedures for a person  
15 with respect to whom notice is provided under this article to pay to  
16 the department all costs incurred by the department in providing  
17 the notice. The person shall pay those costs in accordance with the  
18 procedures established under this subsection.

19 (d) The department's duty to provide notice under this  
20 article in regard to a particular person ends on the date on which a  
21 court releases the person from all requirements of the civil  
22 commitment process.

23 Art. 62.202. VERIFICATION OF INDIVIDUALS SUBJECT TO  
24 COMMITMENT. (a) Notwithstanding Article 62.058, if an individual  
25 subject to registration under this chapter is civilly committed as  
26 a sexually violent predator, the person shall report to the local  
27 law enforcement authority designated as the person's primary

1 registration authority by the department not less than once in each  
2 30-day period following the date the person first registered under  
3 this chapter to verify the information in the registration form  
4 maintained by the authority for that person. For purposes of this  
5 subsection, a person complies with a requirement that the person  
6 register within a 30-day period following a date if the person  
7 registers at any time on or after the 27th day following that date  
8 but before the 33rd day after that date.

9 (b) On the date a court releases a person described by  
10 Subsection (a) from all requirements of the civil commitment  
11 process:

12 (1) the person's duty to verify registration as a sex  
13 offender is no longer imposed by this article; and

14 (2) the person is required to verify registration as  
15 provided by Article 62.058.

16 Art. 62.203 [~~62.101~~]. FAILURE TO COMPLY: INDIVIDUALS  
17 SUBJECT TO COMMITMENT. (a) A person commits an offense if the  
18 person, after commitment as a sexually violent predator but before  
19 the person is released from all requirements of the civil  
20 commitment process, fails to comply with any requirement of this  
21 chapter.

22 (b) An offense under this article [~~section~~] is a felony of  
23 the second degree.

24 SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

25 [~~Art. 62.11. APPLICABILITY. (a) This chapter applies only~~  
26 ~~to a reportable conviction or adjudication occurring on or after~~  
27 ~~September 1, 1970, except that the provisions of Articles 62.03 and~~

1 ~~62.04 of this chapter relating to the requirement of newspaper~~  
2 ~~publication apply only to a reportable conviction or adjudication~~  
3 ~~occurring on or after:~~

4 ~~[(1) September 1, 1997, if the conviction or~~  
5 ~~adjudication relates to an offense under Section 43.05, Penal Code,~~  
6 ~~or~~

7 ~~[(2) September 1, 1995, if the conviction or~~  
8 ~~adjudication relates to any other offense listed in Article~~  
9 ~~62.01(5).]~~

10 ~~[(b) Except as provided by Subsection (c), the duties~~  
11 ~~imposed on a person required to register under this chapter on the~~  
12 ~~basis of a reportable conviction or adjudication, and the~~  
13 ~~corresponding duties and powers of other entities in relation to~~  
14 ~~the person required to register on the basis of that conviction or~~  
15 ~~adjudication, are not affected by:~~

16 ~~[(1) an appeal of the conviction or adjudication, or~~

17 ~~[(2) a pardon of the conviction or adjudication.]~~

18 ~~[(c) If a conviction or adjudication that is the basis of a~~  
19 ~~duty to register under this chapter is set aside on appeal by a~~  
20 ~~court or if the person required to register under this chapter on~~  
21 ~~the basis of a conviction or adjudication receives a pardon on the~~  
22 ~~basis of subsequent proof of innocence, the duties imposed on the~~  
23 ~~person by this chapter and the corresponding duties and powers of~~  
24 ~~other entities in relation to the person are terminated.]~~

25 ~~[Art. 62.12. EXPIRATION OF DUTY TO REGISTER. (a) The duty~~  
26 ~~to register for a person ends when the person dies if the person has~~  
27 ~~a reportable conviction or adjudication, other than an adjudication~~

1 ~~of delinquent conduct, for:~~

2 ~~[(1) a sexually violent offense,~~

3 ~~[(2) an offense under Section 25.02, 43.05(a)(2), or~~  
4 ~~43.26, Penal Code,~~

5 ~~[(3) an offense under Section 21.11(a)(2), Penal Code,~~  
6 ~~if before or after the person is convicted or adjudicated for the~~  
7 ~~offense under Section 21.11(a)(2), Penal Code, the person receives~~  
8 ~~or has received another reportable conviction or adjudication,~~  
9 ~~other than an adjudication of delinquent conduct, for an offense or~~  
10 ~~conduct that requires registration under this chapter; or~~

11 ~~[(4) an offense under Section 20.02, 20.03, or 20.04,~~  
12 ~~Penal Code, or an attempt, conspiracy, or solicitation to commit~~  
13 ~~one of those offenses, if:~~

14 ~~[(A) the judgment in the case contains an~~  
15 ~~affirmative finding under Article 42.015 or, for a deferred~~  
16 ~~adjudication, the papers in the case contain an affirmative finding~~  
17 ~~that the victim or intended victim was younger than 17 years of age,~~  
18 ~~and~~

19 ~~[(B) before or after the person is convicted or~~  
20 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~  
21 ~~Penal Code, the person receives or has received another reportable~~  
22 ~~conviction or adjudication, other than an adjudication of~~  
23 ~~delinquent conduct, for an offense or conduct that requires~~  
24 ~~registration under this chapter.~~

25 ~~[(b) The duty to register for a person with a reportable~~  
26 ~~conviction or adjudication for an offense other than an offense~~  
27 ~~described by Subsection (a) ends.~~

1           ~~[(1) if the person's duty to register is based on an~~  
2 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~  
3 ~~date on which the disposition is made or the person completes the~~  
4 ~~terms of the disposition, whichever date is later, or~~

5           ~~[(2) if the person's duty to register is based on a~~  
6 ~~conviction or on an order of deferred adjudication, on the 10th~~  
7 ~~anniversary of the date on which the court dismisses the criminal~~  
8 ~~proceedings against the person and discharges the person, the~~  
9 ~~person is released from county jail, or the person discharges~~  
10 ~~community supervision, whichever date is later.~~

11           ~~[Art. 62.13. HEARING TO DETERMINE NEED FOR REGISTRATION OF~~  
12 ~~A JUVENILE. (a) A person who has an adjudication of delinquent~~  
13 ~~conduct that would otherwise be reportable under Article 62.01(5)~~  
14 ~~does not have a reportable adjudication of delinquent conduct for~~  
15 ~~purposes of this chapter if the juvenile court enters an order under~~  
16 ~~this article excusing compliance by the person with the~~  
17 ~~registration requirements of this chapter.~~

18           ~~[(b) During or after disposition of a case under Section~~  
19 ~~54.04, Family Code, for adjudication of an offense for which~~  
20 ~~registration is required under this chapter, the juvenile court on~~  
21 ~~motion of the respondent shall conduct a hearing to determine~~  
22 ~~whether the interests of the public require registration under this~~  
23 ~~chapter. The motion may be filed and the hearing held regardless of~~  
24 ~~whether the respondent is under 18 years of age.~~

25           ~~[(c) The hearing is without a jury and the burden of~~  
26 ~~persuasion is on the respondent to show by a preponderance of~~  
27 ~~evidence that the criteria of Subsection (c) have been met. The~~

1 ~~court at the hearing may make its determination based on:~~

2 ~~[(1) the receipt of exhibits,~~

3 ~~[(2) the testimony of witnesses,~~

4 ~~[(3) representations of counsel for the parties, or~~

5 ~~[(4) the contents of a social history report prepared~~  
6 ~~by the juvenile probation department that may include the results~~  
7 ~~of testing and examination of the respondent by a psychologist,~~  
8 ~~psychiatrist, or counselor.~~

9 ~~[(d) All written matter considered by the court shall be~~  
10 ~~disclosed to all parties as provided by Section 54.04(b), Family~~  
11 ~~Code.~~

12 ~~[(e) The court shall enter an order excusing compliance with~~  
13 ~~the registration requirements of this chapter if the court~~  
14 ~~determines:~~

15 ~~[(1) that the protection of the public would not be~~  
16 ~~increased by registration of the respondent under this chapter, or~~

17 ~~[(2) that any potential increase in protection of the~~  
18 ~~public resulting from registration is clearly outweighed by the~~  
19 ~~anticipated substantial harm to the respondent and the respondent's~~  
20 ~~family that would result from registration under this chapter.~~

21 ~~[(f) The prosecuting attorney may waive the state's right to~~  
22 ~~a hearing under this article and agree that registration under this~~  
23 ~~chapter is not required. If the waiver is entered under a plea~~  
24 ~~agreement, the court shall without a hearing enter an order~~  
25 ~~excusing compliance with the registration requirements of this~~  
26 ~~chapter or, under Section 54.03(j), Family Code, inform the~~  
27 ~~respondent that the court believes a hearing under this article is~~

1 ~~required and give the respondent the opportunity to withdraw the~~  
2 ~~respondent's plea of guilty, nolo contendere, or true or to affirm~~  
3 ~~the respondent's plea and participate in the hearing. If the waiver~~  
4 ~~is entered other than under a plea agreement, the court shall~~  
5 ~~without a hearing enter an order excusing compliance with the~~  
6 ~~registration requirements of this chapter. The waiver must state~~  
7 ~~whether or not it is entered under a plea agreement. The respondent~~  
8 ~~may as part of a plea agreement promise not to file a motion seeking~~  
9 ~~an order excusing registration, in which case the court may not~~  
10 ~~recognize the motion.~~

11 ~~[(g) Notwithstanding Section 56.01, Family Code, on entry~~  
12 ~~by a juvenile court of an order under Subsection (e) excusing~~  
13 ~~registration under this chapter, the prosecuting attorney may~~  
14 ~~appeal that order by giving notice of appeal within the time~~  
15 ~~required under Rule 26.2(b), Texas Rules of Appellate Procedure.~~  
16 ~~The appeal is civil and the standard of review in the appellate~~  
17 ~~court is whether the juvenile court committed procedural error or~~  
18 ~~abused its discretion in excusing compliance with registration.~~  
19 ~~The appeal is limited to review of the order excusing compliance~~  
20 ~~with registration and may not include any other issues in the case.~~

21 ~~[(h) The respondent may under Section 56.01, Family Code,~~  
22 ~~appeal the juvenile court's order requiring registration in the~~  
23 ~~same manner as the appeal of any other legal issue in the case. The~~  
24 ~~standard of review in the appellate court is whether the juvenile~~  
25 ~~court committed procedural error or abused its discretion in not~~  
26 ~~excusing compliance with registration.~~

27 ~~[(i) If the juvenile court enters an order excusing~~

1 ~~registration, the respondent may not be required to register in~~  
2 ~~this or any other state for the offense for which registration was~~  
3 ~~excused.~~

4 ~~[(j) After a hearing under Subsection (b) or under a plea~~  
5 ~~agreement under Subsection (f), the juvenile court may enter an~~  
6 ~~order deferring decision on requiring registration until the~~  
7 ~~respondent has completed treatment for the respondent's sexual~~  
8 ~~offense as a condition of probation or while committed to the Texas~~  
9 ~~Youth Commission. The court retains discretion to require or to~~  
10 ~~excuse registration at any time during the treatment or on its~~  
11 ~~successful or unsuccessful completion. During the period of~~  
12 ~~deferral, registration may not be required. Following successful~~  
13 ~~completion of treatment, registration is excused unless a hearing~~  
14 ~~under this article is held on motion of the state and the court~~  
15 ~~determines the interests of the public require registration. Not~~  
16 ~~later than the 10th day after the date of the respondent's~~  
17 ~~successful completion of treatment, the treatment provider shall~~  
18 ~~notify the juvenile court and prosecuting attorney of the~~  
19 ~~completion.~~

20 ~~[(k) After a hearing under Subsection (b) or under a plea~~  
21 ~~agreement under Subsection (f), the juvenile court may enter an~~  
22 ~~order requiring the respondent to register as a sex offender but~~  
23 ~~provide that the registration information is not public information~~  
24 ~~and is restricted to use by law enforcement and criminal justice~~  
25 ~~agencies and public or private institutions of higher education.~~  
26 ~~Information obtained under this subsection may not be posted on the~~  
27 ~~Internet or released to the public.~~

1           ~~[(1) A person who has registered as a sex offender for an~~  
2 ~~adjudication of delinquent conduct, regardless of when the~~  
3 ~~delinquent conduct or the adjudication for the conduct occurred,~~  
4 ~~may file a motion in the adjudicating juvenile court for a hearing~~  
5 ~~seeking excusal from registration as provided by Subsection (e) or~~  
6 ~~seeking under Subsection (k) an order that the registration become~~  
7 ~~nonpublic.~~

8           ~~[(m) The person may file a motion under Subsection (l) in~~  
9 ~~the original juvenile case regardless of whether the person is at~~  
10 ~~the time of filing 18 years of age or older. Notice of the motion~~  
11 ~~shall be provided to the prosecuting attorney. A hearing on the~~  
12 ~~motion shall be provided as in other cases under this article.~~

13           ~~[(n) Only one motion may be filed under Subsection (l) if a~~  
14 ~~previous motion under this article has been filed concerning that~~  
15 ~~case.~~

16           ~~[(o) To the extent feasible, the motion under Subsection (l)~~  
17 ~~shall identify those public and private agencies and organizations,~~  
18 ~~including public or private institutions of higher education, that~~  
19 ~~possess sex offender registration information about the case.~~

20           ~~[(p) The juvenile court, after a hearing, may:~~

21                   ~~[(1) deny the motion,~~

22                   ~~[(2) grant the motion to excuse all registration, or~~

23                   ~~[(3) grant the motion to change the registration from~~  
24 ~~public to nonpublic.~~

25           ~~[(q) If the court grants the motion, the clerk of the court~~  
26 ~~shall by certified mail, return receipt requested, send a copy of~~  
27 ~~the order to the department, to each local law enforcement~~

1 ~~authority that the person has proved to the juvenile court has~~  
2 ~~registration information about the person, and to each public or~~  
3 ~~private agency or organization that the person has proved to the~~  
4 ~~juvenile court has information about the person that is currently~~  
5 ~~available to the public with or without payment of a fee. The clerk~~  
6 ~~of the court shall by certified mail, return receipt requested,~~  
7 ~~send a copy of the order to any other agency or organization~~  
8 ~~designated by the person. The person shall identify the agency or~~  
9 ~~organization and its address and pay a fee of \$20 to the court for~~  
10 ~~each agency or organization the person designates.~~

11 ~~[(q) If the court grants the motion, a copy of the court's~~  
12 ~~order shall be sent to:~~

13 ~~[(1) each public or private agency or organization~~  
14 ~~that the court determines may be in possession of sex offender~~  
15 ~~registration information pertaining to the person required to~~  
16 ~~register under this chapter; and~~

17 ~~[(2) at the request of the person required to register~~  
18 ~~under this chapter, each public or private agency or organization~~  
19 ~~that at any time following the initial dissemination of the order~~  
20 ~~under Subdivision (1) gains possession of sex offender registration~~  
21 ~~information pertaining to that person, if the agency or~~  
22 ~~organization did not otherwise receive a copy of the order under~~  
23 ~~Subdivision (1).~~

24 ~~[(q-1) An order under Subsection (q) shall require the~~  
25 ~~recipient to conform its records to the court's orders either by~~  
26 ~~deleting the sex offender registration information or changing its~~  
27 ~~status to nonpublic, as the order requires. A public or private~~

1 ~~institution of higher education may not be required to delete the~~  
2 ~~sex offender registration information under this subsection.~~

3 ~~[(r) A private agency or organization that possesses sex~~  
4 ~~offender registration information it obtained from a state, county,~~  
5 ~~or local governmental entity is required to conform its records to~~  
6 ~~the court's order on or before the 30th day after the date of its~~  
7 ~~entry. Failure to comply in that period automatically bars an~~  
8 ~~agency or organization, other than a public or private institution~~  
9 ~~of higher education, from obtaining sex offender registration~~  
10 ~~information from any state, county, or local governmental entity in~~  
11 ~~this state in the future.~~

12 ~~[(s) A person required to register as a sex offender in this~~  
13 ~~state because of an out-of-state adjudication of delinquent conduct~~  
14 ~~may file in the juvenile court of the person's county of residence a~~  
15 ~~petition under Subsection (a) for an order to excuse compliance~~  
16 ~~with this chapter. If the person is already registered as a sex~~  
17 ~~offender in this state because of an out-of-state adjudication of~~  
18 ~~delinquent conduct, the person may file in the juvenile court of the~~  
19 ~~person's county of residence a petition under Subsection (l) for an~~  
20 ~~order removing the person from sex offender registries in this~~  
21 ~~state. On receipt of a petition to excuse compliance or for~~  
22 ~~removal, the juvenile court shall conduct a hearing and make~~  
23 ~~rulings as in other cases under this article. An order entered under~~  
24 ~~this subsection requiring removal of registration information~~  
25 ~~applies only to registration information derived from registration~~  
26 ~~in this state.]~~

27 Art. 62.251 [~~62.14~~]. REMOVING [~~JUVENILE~~] REGISTRATION

1 INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) When a person is no  
2 longer required to register as a sex offender under this chapter  
3 [~~for an adjudication of delinquent conduct~~], the department shall  
4 remove all information about the person from the sex offender  
5 registry.

6 (b) The duty to remove information under Subsection (a)  
7 arises if:

8 (1) the department has received notice from a local  
9 law enforcement authority under Subsection (c) or (d) that the  
10 person is no longer required to register or will no longer be  
11 required to renew registration and the department verifies the  
12 correctness of that information;

13 (2) the [~~juvenile~~] court having jurisdiction over  
14 [~~that adjudicated~~] the case for which registration is required  
15 requests removal and the department determines that the duty to  
16 register has expired; or

17 (3) the person or the person's representative requests  
18 removal and the department determines that the duty to register has  
19 expired.

20 (c) When a person required to register under this chapter  
21 [~~for an adjudication of delinquent conduct~~] appears before a local  
22 law enforcement authority to renew or modify registration  
23 information, the authority shall determine whether the duty to  
24 register has expired. If the authority determines that the duty to  
25 register has expired, the authority shall remove all information  
26 about the person from the sex offender registry and notify the  
27 department that the person's duty to register has expired.

1           (d) When a person required to register under this chapter  
2 ~~[for an adjudication of delinquent conduct]~~ appears before a local  
3 law enforcement authority to renew registration information, the  
4 authority shall determine whether the renewal is the final annual  
5 renewal of registration required by law. If the authority  
6 determines that the person's duty to register will expire before  
7 the next annual renewal is scheduled, the authority shall  
8 automatically remove all information about the person from the sex  
9 offender registry on expiration of the duty to register and notify  
10 the department that the information about the person has been  
11 removed from the registry.

12           (e) When the department has removed information under  
13 Subsection (a), the department shall notify all local law  
14 enforcement authorities that have provided registration  
15 information to the department about the person of the removal. A  
16 local law enforcement authority that receives notice from the  
17 department under this subsection shall remove all registration  
18 information about the person from its registry.

19           (f) When the department has removed information under  
20 Subsection (a), the department shall notify all public and private  
21 agencies or organizations to which it has provided registration  
22 information about the person of the removal. On receiving notice,  
23 the public or private agency or organization shall remove all  
24 registration information about the person from any registry the  
25 agency or organization maintains that is accessible to the public  
26 with or without charge.

1           SUBCHAPTER G. EXEMPTION FROM REGISTRATION FOR

2                           CERTAIN YOUNG ADULT SEX OFFENDERS

3           Art. 62.301. EXEMPTION FROM REGISTRATION FOR CERTAIN YOUNG  
4 ADULT SEX OFFENDERS. (a) If eligible under Subsection (b) or (c),  
5 a person required to register under this chapter may petition the  
6 court having jurisdiction over the case for an order exempting the  
7 person from registration under this chapter at any time after the  
8 person's sentencing or after the person is placed on deferred  
9 adjudication community supervision.

10           (b) A person is eligible to petition the court as described  
11 by Subsection (a) if:

12                   (1) the person is required to register only as a result  
13 of a single reportable conviction or adjudication, other than an  
14 adjudication of delinquent conduct; and

15                   (2) the court has entered in the appropriate judgment  
16 or has filed with the appropriate papers a statement of an  
17 affirmative finding described by Article 42.017 or Section 5(g),  
18 Article 42.12.

19           (c) A defendant who before September 1, 2001, is convicted  
20 of or placed on deferred adjudication community supervision for an  
21 offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code,  
22 is eligible to petition the court as described by Subsection (a).  
23 The court may consider the petition only if the petition states and  
24 the court finds that the defendant would have been entitled to the  
25 entry of an affirmative finding under Article 42.017 or Section  
26 5(g), Article 42.12, as appropriate, had the conviction or  
27 placement on deferred adjudication community supervision occurred

1 after September 1, 2001.

2 (d) After a hearing on the petition described by Subsection  
3 (a), the court may issue an order exempting the person from  
4 registration under this chapter if it appears by a preponderance of  
5 the evidence:

6 (1) as presented by a registered sex offender  
7 treatment provider, that the exemption does not threaten public  
8 safety; and

9 (2) that the person's conduct did not occur without the  
10 consent of the victim or intended victim as described by Section  
11 22.011(b), Penal Code.

12 (e) An order exempting the person from registration under  
13 this chapter does not expire, but the court shall withdraw the order  
14 if after the order is issued the person receives a reportable  
15 conviction or adjudication under this chapter.

16 SUBCHAPTER H. EXEMPTIONS FROM REGISTRATION FOR CERTAIN JUVENILES

17 Art. 62.351. MOTION AND HEARING GENERALLY. (a) During or  
18 after disposition of a case under Section 54.04, Family Code, for  
19 adjudication of an offense for which registration is required under  
20 this chapter, the juvenile court on motion of the respondent shall  
21 conduct a hearing to determine whether the interests of the public  
22 require registration under this chapter. The motion may be filed  
23 and the hearing held regardless of whether the respondent is under  
24 18 years of age. Notice of the motion and hearing shall be provided  
25 to the prosecuting attorney.

26 (b) The hearing is without a jury and the burden of  
27 persuasion is on the respondent to show by a preponderance of

1 evidence that the criteria of Article 62.352(a) have been met. The  
2 court at the hearing may make its determination based on:

- 3 (1) the receipt of exhibits;  
4 (2) the testimony of witnesses;  
5 (3) representations of counsel for the parties; or  
6 (4) the contents of a social history report prepared  
7 by the juvenile probation department that may include the results  
8 of testing and examination of the respondent by a psychologist,  
9 psychiatrist, or counselor.

10 (c) All written matter considered by the court shall be  
11 disclosed to all parties as provided by Section 54.04(b), Family  
12 Code.

13 (d) If a respondent, as part of a plea agreement, promises  
14 not to file a motion seeking an order exempting the respondent from  
15 registration under this chapter, the court may not recognize a  
16 motion filed by a respondent under this article.

17 Art. 62.352. ORDER GENERALLY. (a) The court shall enter an  
18 order exempting a respondent from registration under this chapter  
19 if the court determines:

20 (1) that the protection of the public would not be  
21 increased by registration of the respondent under this chapter; or

22 (2) that any potential increase in protection of the  
23 public resulting from registration of the respondent is clearly  
24 outweighed by the anticipated substantial harm to the respondent  
25 and the respondent's family that would result from registration  
26 under this chapter.

27 (b) After a hearing under Article 62.351 or under a plea

1 agreement described by Article 62.355(b), the juvenile court may  
2 enter an order:

3 (1) deferring decision on requiring registration  
4 under this chapter until the respondent has completed treatment for  
5 the respondent's sexual offense as a condition of probation or  
6 while committed to the Texas Youth Commission; or

7 (2) requiring the respondent to register as a sex  
8 offender but providing that the registration information is not  
9 public information and is restricted to use by law enforcement and  
10 criminal justice agencies, the Council on Sex Offender Treatment,  
11 and public or private institutions of higher education.

12 (c) If the court enters an order described by Subsection  
13 (b)(1), the court retains discretion and jurisdiction to require,  
14 or exempt the respondent from, registration under this chapter at  
15 any time during the treatment or on the successful or unsuccessful  
16 completion of treatment, except that during the period of deferral,  
17 registration may not be required. Following successful completion  
18 of treatment, the respondent is exempted from registration under  
19 this chapter unless a hearing under this subchapter is held on  
20 motion of the state, regardless of whether the respondent is 18  
21 years of age or older, and the court determines the interests of the  
22 public require registration. Not later than the 10th day after the  
23 date of the respondent's successful completion of treatment, the  
24 treatment provider shall notify the juvenile court and prosecuting  
25 attorney of the completion.

26 (d) Information that is the subject of an order described by  
27 Subsection (b)(2) may not be posted on the Internet or released to

1 the public.

2 Art. 62.353. MOTION, HEARING, AND ORDER CONCERNING PERSON  
3 ALREADY REGISTERED. (a) A person who has registered as a sex  
4 offender for an adjudication of delinquent conduct, regardless of  
5 when the delinquent conduct or the adjudication for the conduct  
6 occurred, may file a motion in the adjudicating juvenile court for a  
7 hearing seeking:

8 (1) exemption from registration under this chapter as  
9 provided by Article 62.351; or

10 (2) an order under Article 62.352(b)(2) that the  
11 registration become nonpublic.

12 (b) The person may file a motion under Subsection (a) in the  
13 original juvenile case regardless of whether the person, at the  
14 time of filing the motion, is 18 years of age or older. Notice of  
15 the motion shall be provided to the prosecuting attorney. A hearing  
16 on the motion shall be provided as in other cases under this  
17 subchapter.

18 (c) Only one subsequent motion may be filed under Subsection  
19 (a) if a previous motion under this article has been filed  
20 concerning the case.

21 (d) To the extent feasible, the motion under Subsection (a)  
22 shall identify those public and private agencies and organizations,  
23 including public or private institutions of higher education, that  
24 possess sex offender registration information about the case.

25 (e) The juvenile court, after a hearing, may:

26 (1) deny a motion filed under Subsection (a);

27 (2) grant a motion described by Subsection (a)(1); or

1           (3) grant a motion described by Subsection (a)(2).

2           (f) If the court grants a motion filed under Subsection (a),  
3 the clerk of the court shall by certified mail, return receipt  
4 requested, send a copy of the order to the department, to each local  
5 law enforcement authority that the person has proved to the  
6 juvenile court has registration information about the person, and  
7 to each public or private agency or organization that the person has  
8 proved to the juvenile court has information about the person that  
9 is currently available to the public with or without payment of a  
10 fee. The clerk of the court shall by certified mail, return receipt  
11 requested, send a copy of the order to any other agency or  
12 organization designated by the person. The person shall identify  
13 the agency or organization and its address and pay a fee of \$20 to  
14 the court for each agency or organization the person designates.

15           (g) In addition to disseminating the order under Subsection  
16 (f), at the request of the person, the clerk of the court shall by  
17 certified mail, return receipt requested, send a copy of the order  
18 to each public or private agency or organization that at any time  
19 following the initial dissemination of the order under Subsection  
20 (f) gains possession of sex offender registration information  
21 pertaining to that person, if the agency or organization did not  
22 otherwise receive a copy of the order under Subsection (f).

23           (h) An order under Subsection (f) must require the recipient  
24 to conform its records to the court's order either by deleting the  
25 sex offender registration information or changing its status to  
26 nonpublic, as applicable. A public or private institution of  
27 higher education may not be required to delete the sex offender

1 registration information under this subsection.

2 (i) A private agency or organization that possesses sex  
3 offender registration information the agency or organization  
4 obtained from a state, county, or local governmental entity is  
5 required to conform the agency's or organization's records to the  
6 court's order on or before the 30th day after the date of the entry  
7 of the order. Unless the agency or organization is a public or  
8 private institution of higher education, failure to comply in that  
9 period automatically bars the agency or organization from obtaining  
10 sex offender registration information from any state, county, or  
11 local governmental entity in this state in the future.

12 Art. 62.354. MOTION, HEARING, AND ORDER CONCERNING PERSON  
13 REQUIRED TO REGISTER BECAUSE OF OUT-OF-STATE ADJUDICATION. (a) A  
14 person required to register as a sex offender in this state because  
15 of an out-of-state adjudication of delinquent conduct may file in  
16 the juvenile court of the person's county of residence a petition  
17 under Article 62.351 for an order exempting the person from  
18 registration under this chapter.

19 (b) If the person is already registered as a sex offender in  
20 this state because of an out-of-state adjudication of delinquent  
21 conduct, the person may file in the juvenile court of the person's  
22 county of residence a petition under Article 62.353 for an order  
23 removing the person from sex offender registries in this state.

24 (c) On receipt of a petition under this article, the  
25 juvenile court shall conduct a hearing and make rulings as in other  
26 cases under this subchapter.

27 (d) An order entered under this article requiring removal of

1 registration information applies only to registration information  
2 derived from registration in this state.

3 Art. 62.355. WAIVER OF HEARING. (a) The prosecuting  
4 attorney may waive the state's right to a hearing under this  
5 subchapter and agree that registration under this chapter is not  
6 required. A waiver under this subsection must state whether the  
7 waiver is entered under a plea agreement.

8 (b) If the waiver is entered under a plea agreement, the  
9 court, without a hearing, shall:

10 (1) enter an order exempting the respondent from  
11 registration under this chapter; or

12 (2) under Section 54.03(j), Family Code, inform the  
13 respondent that the court believes a hearing under this article is  
14 required and give the respondent the opportunity to:

15 (A) withdraw the respondent's plea of guilty,  
16 nolo contendere, or true; or

17 (B) affirm the respondent's plea and participate  
18 in the hearing.

19 (c) If the waiver is entered other than under a plea  
20 agreement, the court, without a hearing, shall enter an order  
21 exempting the respondent from registration under this chapter.

22 Art. 62.356. EFFECT OF CERTAIN ORDERS. (a) A person who  
23 has an adjudication of delinquent conduct that would otherwise be  
24 reportable under Article 62.001(5) does not have a reportable  
25 adjudication of delinquent conduct for purposes of this chapter if  
26 the juvenile court enters an order under this subchapter exempting  
27 the person from the registration requirements of this chapter.

1        (b) If the juvenile court enters an order exempting a person  
2 from registration under this chapter, the respondent may not be  
3 required to register in this or any other state for the offense for  
4 which registration was exempted.

5        Art. 62.357. APPEAL OF CERTAIN ORDERS. (a)  
6 Notwithstanding Section 56.01, Family Code, on entry by a juvenile  
7 court of an order under Article 62.352(a) exempting a respondent  
8 from registration under this chapter, the prosecuting attorney may  
9 appeal that order by giving notice of appeal within the time  
10 required under Rule 26.2(b), Texas Rules of Appellate Procedure.  
11 The appeal is civil and the standard of review in the appellate  
12 court is whether the juvenile court committed procedural error or  
13 abused its discretion in exempting the respondent from registration  
14 under this chapter. The appeal is limited to review of the order  
15 exempting the respondent from registration under this chapter and  
16 may not include any other issues in the case.

17        (b) A respondent may under Section 56.01, Family Code,  
18 appeal a juvenile court's order under Article 62.352(a) requiring  
19 registration in the same manner as the appeal of any other legal  
20 issue in the case. The standard of review in the appellate court is  
21 whether the juvenile court committed procedural error or abused its  
22 discretion in requiring registration.

23        SUBCHAPTER I. EARLY TERMINATION OF CERTAIN PERSONS'

24                    OBLIGATION TO REGISTER

25        Art. 62.401. DEFINITION. In this subchapter, "council"  
26 means the Council on Sex Offender Treatment.

27        Art. 62.402. DETERMINATION OF MINIMUM REQUIRED

1 REGISTRATION PERIOD. (a) The council by rule shall determine the  
2 minimum required registration period under 42 U.S.C. Section 14071  
3 (Jacob Wetterling Crimes Against Children and Sexually Violent  
4 Offender Registration Program) for each reportable conviction or  
5 adjudication under this chapter, if this state is to receive the  
6 maximum amount of federal money available to a state as described by  
7 that law.

8 (b) After determining the minimum required registration  
9 period for each reportable conviction or adjudication under  
10 Subsection (a), the council shall compile and publish a list of  
11 reportable convictions or adjudications for which a person must  
12 register under this chapter for a period that exceeds the minimum  
13 required registration period under federal law.

14 (c) To the extent possible, the council shall periodically  
15 verify with the Bureau of Justice Assistance or another appropriate  
16 federal agency the accuracy of the list of reportable convictions  
17 or adjudications described by Subsection (b).

18 Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council  
19 by rule shall establish, develop, or adopt an individual risk  
20 assessment tool or a group of individual risk assessment tools  
21 that:

22 (1) evaluates the criminal history of a person  
23 required to register under this chapter; and

24 (2) seeks to predict:

25 (A) the likelihood that the person will engage in  
26 criminal activity that may result in the person receiving a second  
27 or subsequent reportable adjudication or conviction; and

1           (B) the continuing danger, if any, that the  
2 person poses to the community.

3           (b) On the written request of a person with a single  
4 reportable adjudication or conviction that appears on the list  
5 published under Article 62.402(b), the council shall:

6           (1) evaluate the person using the individual risk  
7 assessment tool or group of individual risk assessment tools  
8 established, developed, or adopted under Subsection (a); and

9           (2) provide to the person a written report detailing  
10 the outcome of an evaluation conducted under Subdivision (1).

11           (c) An individual risk assessment provided to a person under  
12 this subchapter is confidential and is not subject to disclosure  
13 under Chapter 552, Government Code.

14           Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person  
15 required to register under this chapter who has requested and  
16 received an individual risk assessment under Article 62.403 may  
17 file with the trial court that sentenced the person for the  
18 reportable conviction or adjudication a motion for early  
19 termination of the person's obligation to register under this  
20 chapter.

21           (b) A motion filed under this article must be accompanied  
22 by:

23           (1) a written explanation of how the reportable  
24 conviction or adjudication giving rise to the movant's registration  
25 under this chapter qualifies as a reportable conviction or  
26 adjudication that appears on the list published under Article  
27 62.402(b); and

1           (2) a certified copy of a written report detailing the  
2 outcome of an individual risk assessment evaluation conducted under  
3 Article 62.403(b)(1).

4           Art. 62.405. HEARING ON PETITION. (a) After reviewing a  
5 motion filed with the court under Article 62.404, the court may:

6           (1) deny without a hearing the movant's request for  
7 early termination; or

8           (2) hold a hearing on the motion to determine whether  
9 to grant or deny the motion.

10          (b) The court may not grant a motion filed under Article  
11 62.404 if:

12          (1) the motion is not accompanied by the documents  
13 required under Article 62.404(b); or

14          (2) the court determines that the reportable  
15 conviction or adjudication for which the movant is required to  
16 register under this chapter is not a reportable conviction or  
17 adjudication for which the movant is required to register for a  
18 period that exceeds the minimum required registration period under  
19 federal law.

20          Art. 62.406. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF  
21 COURT. A person required to register under this chapter who files a  
22 motion for early termination of the person's registration  
23 obligation under this chapter is responsible for and shall remit to  
24 the council and to the court, as applicable, all costs associated  
25 with and incurred by the council in providing the individual risk  
26 assessment or by the court in holding a hearing under this  
27 subchapter.

1       Art. 62.407. EFFECT OF ORDER GRANTING EARLY TERMINATION.

2       (a) If, after notice to the person and to the prosecuting attorney  
3       and a hearing, the court grants a motion filed under Article 62.404  
4       for the early termination of a person's obligation to register  
5       under this chapter, notwithstanding Article 62.101, the person's  
6       obligation to register under this chapter ends on the later of:

7               (1) the date the court enters the order of early  
8       termination; or

9               (2) the date the person has paid each cost described by  
10       Section 62.406.

11       (b) If the court grants a motion filed under Article 62.404  
12       for the early termination of a person's obligation to register  
13       under this chapter, all conditions of the person's parole, release  
14       to mandatory supervision, or community supervision shall be  
15       modified in accordance with the court's order.

16       Art. 62.408. NONAPPLICABILITY. This subchapter does not  
17       apply to a person without a reportable conviction or adjudication  
18       who is required to register as a condition of parole, release to  
19       mandatory supervision, or community supervision.

20       SECTION 1.02. Chapter 13, Code of Criminal Procedure, is  
21       amended by adding Article 13.30 to read as follows:

22       Art. 13.30. FAILURE TO COMPLY WITH SEX OFFENDER  
23       REGISTRATION STATUTE. An offense under Chapter 62 may be  
24       prosecuted in:

25               (1) any county in which an element of the offense  
26       occurs;

27               (2) the county in which the person subject to Chapter

1 62 last registered, verified registration, or otherwise complied  
2 with a requirement of Chapter 62;

3 (3) the county in which the person required to  
4 register under Chapter 62 has indicated that the person intends to  
5 reside; or

6 (4) any county in which the person required to  
7 register under Chapter 62 is placed under custodial arrest for an  
8 offense subsequent to the person's most recent reportable  
9 conviction or adjudication under Chapter 62.

10 SECTION 1.03. Article 26.13(h), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (h) The court must substantially comply with Subsection  
13 (a)(5). The failure of the court to comply with Subsection (a)(5)  
14 is not a ground for the defendant to set aside the conviction,  
15 sentence, or plea. [~~Before accepting a plea of guilty or nolo~~  
16 contendere from a defendant described by Subsection (a)(5), the  
17 court shall ascertain whether the attorney representing the  
18 defendant has advised the defendant regarding registration  
19 requirements under Chapter 62.]

20 SECTION 1.04. Article 44.01, Code of Criminal Procedure, is  
21 amended by adding Subsection (1) to read as follows:

22 (1) The state is entitled to appeal an order entered under:  
23 (1) Subchapter G or H, Chapter 62, that exempts a  
24 person from complying with the requirements of Chapter 62; and  
25 (2) Subchapter I, Chapter 62, that terminates a  
26 person's obligation to register under Chapter 62.

27 SECTION 1.05. Subchapter G, Chapter 411, Government Code,

1 is amended by adding Section 411.1473 to read as follows:

2 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX  
3 OFFENDERS. (a) This section applies only to a person who is  
4 required to register under Chapter 62, Code of Criminal Procedure.

5 (b) The department by rule shall require a law enforcement  
6 agency serving as a person's primary registration authority under  
7 Chapter 62, Code of Criminal Procedure, to:

8 (1) take one or more specimens from a person described  
9 by Subsection (a) for the purpose of creating a DNA record; and

10 (2) preserve the specimen and maintain a record of the  
11 collection of the specimen.

12 (c) A law enforcement agency taking a specimen under this  
13 section may either send the specimen to the director or send to the  
14 director an analysis of the specimen performed by a laboratory  
15 chosen by the agency and approved by the director.

16 (d) A law enforcement agency is not required to take and a  
17 person is not required to provide a specimen under this section if  
18 the person is required to and has provided a specimen under this  
19 chapter or other law.

20 SECTION 1.06. Section 508.186, Government Code, is amended  
21 to read as follows:

22 Sec. 508.186. SEX OFFENDER REGISTRATION. [~~(a)~~] A parole  
23 panel shall require as a condition of parole or mandatory  
24 supervision that a releasee required to register as a sex offender  
25 under Chapter 62, Code of Criminal Procedure:

26 (1) register under that chapter; and

27 (2) [~~pay to the releasee's supervising officer an~~]

1 ~~amount equal to the cost, as evidenced by written receipt, incurred~~  
2 ~~by the applicable local law enforcement authority for providing~~  
3 ~~notice for publication to a newspaper as required by that chapter,~~  
4 ~~and~~

5           ~~[(3)]~~ submit a blood sample or other specimen to the  
6 Department of Public Safety under Subchapter G, Chapter 411, for  
7 the purpose of creating a DNA record of the releasee, unless the  
8 releasee has already submitted the required specimen under other  
9 state law.

10           ~~[(a-1)]~~ A political subdivision served by the local law  
11 enforcement authority may bill any unpaid amount under Subsection  
12 (a)(2), identified separately, within a bill for a utility service  
13 provided by the political subdivision to the releasee and may  
14 suspend service of the utility to a releasee who is delinquent in  
15 payment of the amount until the delinquent claim is fully paid to  
16 the political subdivision. In this subsection, "utility service"  
17 means water, wastewater, sewer, gas, garbage, electricity, or  
18 drainage service.

19           ~~[(b)]~~ The division or political subdivision, as applicable,  
20 shall remit an amount collected under this section to the  
21 applicable local law enforcement authority.

22           ~~[(c)]~~ In a parole or mandatory supervision revocation  
23 hearing under Section 508.281 at which it is alleged only that the  
24 releasee failed to make a payment under this section, it is an  
25 affirmative defense to revocation that the releasee is unable to  
26 pay the amount as ordered by a parole panel. The releasee must  
27 prove the affirmative defense by a preponderance of the evidence.]

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Article 42.016, Code of Criminal Procedure, is amended to read as follows:

Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN SEX OFFENDERS. If a person is convicted of, receives a grant of deferred adjudication for, or is adjudicated as having engaged in delinquent conduct based on a violation of an offense for which a conviction or adjudication requires registration as a sex offender under Chapter 62, [~~as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,~~] the court shall:

(1) issue an order requiring the Texas Department of Public Safety to include in any driver's license record or personal identification certificate record maintained by the department for the person an indication that the person is subject to the registration requirements of Chapter 62 [~~, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997~~];

(2) require the person to apply to the Texas Department of Public Safety in person for an original or renewal driver's license or personal identification certificate not later than the 30th day after the date the person is released or the date the department sends written notice to the person of the requirements of Article 62.060 [~~62.065~~], as applicable, and to annually renew the license or certificate;

(3) notify the person of the consequence of the conviction or order of deferred adjudication as it relates to the order issued under this article; and

1           (4) send to the Texas Department of Public Safety a  
2 copy of the record of conviction, a copy of the order granting  
3 deferred adjudication, or a copy of the juvenile adjudication, as  
4 applicable, and a copy of the order issued under this article.

5           SECTION 2.02. Section 2(b), Article 42.22, Code of Criminal  
6 Procedure, is amended to read as follows:

7           (b) The state also has a restitution lien to secure the:

8           (1) amount of fines or costs entered against a  
9 defendant in the judgment in a felony criminal case;

10           (2) amount of reimbursement for costs of:

11           (A) confinement ordered under Article 42.038; or

12           (B) notice provided under Article 62.056 [~~62.03~~]  
13 or 62.201 [~~62.04~~]; and

14           (3) amount of damages incurred by the state as a result  
15 of the commission of an offense under Section 38.04, Penal Code, in  
16 which the defendant used a motor vehicle while the defendant was in  
17 flight.

18           SECTION 2.03. Article 60.051(f), Code of Criminal  
19 Procedure, is amended to read as follows:

20           (f) The department shall maintain in the computerized  
21 criminal history system any information the department maintains in  
22 the central database under Article 62.005 [~~62.08~~].

23           SECTION 2.04. Section 12.120(a), Education Code, is amended  
24 to read as follows:

25           (a) A person may not serve as a member of the governing body  
26 of a charter holder, as a member of the governing body of an  
27 open-enrollment charter school, or as an officer or employee of an

1 open-enrollment charter school if the person:

2 (1) has been convicted of a felony or a misdemeanor  
3 involving moral turpitude;

4 (2) has been convicted of an offense listed in Section  
5 37.007(a);

6 (3) has been convicted of an offense listed in Article  
7 62.001(5) [~~62.01(5)~~], Code of Criminal Procedure; or

8 (4) has a substantial interest in a management  
9 company.

10 SECTION 2.05. Section 45.004(c), Family Code, is amended to  
11 read as follows:

12 (c) In this section, "local law enforcement authority" has  
13 the meaning assigned by Article 62.001 [~~62.01~~], Code of Criminal  
14 Procedure.

15 SECTION 2.06. Section 45.103(c), Family Code, is amended to  
16 read as follows:

17 (c) A court may order a change of name under this subchapter  
18 for a person subject to the registration requirements of Chapter  
19 62, Code of Criminal Procedure, if, in addition to the requirements  
20 of Subsection (a), the person provides the court with proof that the  
21 person has notified the appropriate local law enforcement authority  
22 of the proposed name change. In this subsection, "local law  
23 enforcement authority" has the meaning assigned by Article 62.001  
24 [~~62.01~~], Code of Criminal Procedure.

25 SECTION 2.07. Sections 54.051(g) and (h), Family Code, are  
26 amended to read as follows:

27 (g) If the juvenile court places the child on probation for

1 an offense for which registration as a sex offender is required by  
2 Chapter 62, Code of Criminal Procedure, and defers the registration  
3 requirement until completion of treatment for the sex offense under  
4 Subchapter H, Chapter 62 [~~Article 62.13~~], Code of Criminal  
5 Procedure, the authority under that article to reexamine the need  
6 for registration on completion of treatment is transferred to the  
7 court to which probation is transferred.

8 (h) If the juvenile court places the child on probation for  
9 an offense for which registration as a sex offender is required by  
10 Chapter 62, Code of Criminal Procedure, and the child registers,  
11 the authority of the court to excuse further compliance with the  
12 registration requirement under Subchapter H, Chapter 62 [~~Articles~~  
13 ~~62.13(1)-(r)~~], Code of Criminal Procedure, is transferred to the  
14 court to which probation is transferred.

15 SECTION 2.08. Section 411.0091(b), Government Code, is  
16 amended to read as follows:

17 (b) The sex offender compliance unit shall investigate and  
18 arrest individuals determined to have committed a sexually violent  
19 offense, as defined by Article 62.001 [~~62.01~~], Code of Criminal  
20 Procedure.

21 SECTION 2.09. Section 411.088(b), Government Code, is  
22 amended to read as follows:

23 (b) The department may not charge for processing an  
24 electronic inquiry for information described as public information  
25 under Article 62.005 [~~62.08~~], Code of Criminal Procedure, made  
26 through the use of the Internet.

27 SECTION 2.10. Section 109.001(2), Occupations Code, is

1 amended to read as follows:

2 (2) "Local law enforcement authority" has the meaning  
3 assigned by Article 62.001 [~~62.01~~], Code of Criminal Procedure.

4 SECTION 2.11. Section 38.111(a), Penal Code, is amended to  
5 read as follows:

6 (a) A person commits an offense if the person, while  
7 confined in a correctional facility after being charged with or  
8 convicted of an offense listed in Article 62.001(5) [~~62.01(5)~~],  
9 Code of Criminal Procedure, contacts by letter, telephone, or any  
10 other means, either directly or through a third party, a victim of  
11 the offense or a member of the victim's family, if:

12 (1) the victim was younger than 17 years of age at the  
13 time of the commission of the offense for which the person is  
14 confined; and

15 (2) the director of the correctional facility has not,  
16 before the person makes contact with the victim:

17 (A) received written and dated consent to the  
18 contact from:

19 (i) a parent of the victim;  
20 (ii) a legal guardian of the victim;  
21 (iii) the victim, if the victim is 17 years  
22 of age or older at the time of giving the consent; or

23 (iv) a member of the victim's family who is  
24 17 years of age or older; and

25 (B) provided the person with a copy of the  
26 consent.

27 SECTION 2.12. Section 521.101(h), Transportation Code, is

1 amended to read as follows:

2 (h) The department shall automatically revoke each personal  
3 identification certificate issued by the department to a person  
4 who:

5 (1) is subject to the registration requirements of  
6 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~  
7 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

8 (2) fails to apply to the department for renewal of the  
9 personal identification certificate as required by Article 62.060  
10 [~~62.065~~], Code of Criminal Procedure.

11 SECTION 2.13. Section 521.103(a), Transportation Code, is  
12 amended to read as follows:

13 (a) The department may issue an original or renewal personal  
14 identification certificate to a person whose driver's license or  
15 personal identification certificate record indicates that the  
16 person is subject to the registration requirements of Chapter 62,  
17 Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the~~  
18 ~~75th Legislature, Regular Session, 1997,~~] only if the person:

19 (1) applies in person for the issuance of a  
20 certificate under this section; and

21 (2) pays a fee of \$20.

22 SECTION 2.14. Section 521.348(a), Transportation Code, is  
23 amended to read as follows:

24 (a) A driver's license is automatically revoked if the  
25 holder of the license:

26 (1) is subject to the registration requirements of  
27 Chapter 62, Code of Criminal Procedure [~~as added by Chapter 668,~~

1 ~~Acts of the 75th Legislature, Regular Session, 1997~~]; and

2 (2) fails to apply to the department for renewal of the  
3 license as required by Article 62.060 [~~62.065~~], Code of Criminal  
4 Procedure.

5 ARTICLE 3. TRANSITIONS; EFFECTIVE DATE; REPEALERS

6 SECTION 3.01. (a) Except as provided by Subsection (b) of  
7 this section, the changes in law made by this Act in amending  
8 Chapter 62, Code of Criminal Procedure, apply to a person subject to  
9 Chapter 62, Code of Criminal Procedure, for an offense or conduct  
10 committed or engaged in before, on, or after the effective date of  
11 this Act.

12 (b) To the extent that the changes in law made by this Act to  
13 Chapter 62, Code of Criminal Procedure, change the elements of or  
14 punishment for conduct constituting a violation of Chapter 62,  
15 those changes apply only to conduct engaged in on or after the  
16 effective date of this Act. Conduct engaged in before the effective  
17 date of this Act is governed by the law in effect at the time the  
18 conduct was engaged in, and that law is continued in effect for that  
19 purpose.

20 SECTION 3.02. The change in law made by this Act in adding  
21 Article 13.30, Code of Criminal Procedure, applies only to an  
22 offense committed on or after the effective date of this Act. For  
23 purposes of this section, an offense is committed on or after the  
24 effective date of this Act if any element of the offense occurs on  
25 or after the effective date of this Act. An offense committed  
26 before the effective date of this Act is governed by the law in  
27 effect at the time the offense was committed, and that law is

1 continued in effect for that purpose.

2 SECTION 3.03. The change in law made by this Act in amending  
3 Article 26.13(h), Code of Criminal Procedure, applies only to a  
4 plea of guilty or a plea of nolo contendere that is entered on or  
5 after the effective date of this Act. A plea of guilty or a plea of  
6 nolo contendere that is entered before the effective date of this  
7 Act is governed by the law in effect at the time the plea was  
8 entered, and that law is continued in effect for that purpose.

9 SECTION 3.04. The change in law made by this Act in  
10 repealing Subsections (g) and (h), Section 19, Article 42.12, Code  
11 of Criminal Procedure, and in amending Section 508.186, Government  
12 Code, applies only to a person who is placed on community  
13 supervision or released on parole or mandatory supervision for an  
14 offense committed on or after the effective date of this Act. A  
15 person who is placed on community supervision or released on parole  
16 or mandatory supervision for an offense committed before the  
17 effective date of this Act is governed by the law in effect on the  
18 date the offense was committed, and that law is continued in effect  
19 for that purpose. For purposes of this section, an offense is  
20 committed on or after the effective date of this Act if any element  
21 of the offense occurs on or after the effective date of this Act.

22 SECTION 3.05. The change in law made by this Act in amending  
23 Article 44.01, Code of Criminal Procedure, applies only to an  
24 appeal brought by the state on or after the effective date of this  
25 Act.

26 SECTION 3.06. The change in law made by this Act in adding  
27 Section 411.1473, Government Code, applies only to a person who,

1 for the first time, must register as a sex offender under Chapter  
2 62, Code of Criminal Procedure, on or after the effective date of  
3 this Act.

4 SECTION 3.07. Subsections (g) and (h), Section 19, Article  
5 42.12, Code of Criminal Procedure, are repealed.

6 SECTION 3.08. This Act takes effect September 1, 2005.